

1 **TRANSPORTATION AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Kay J. Christofferson

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to transportation, public transit, towing, and other
10 related items.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends provisions related to the service of a member of the board of trustees of a
14 large public transit district;
- 15 ▶ modifies provisions related to the costs of repair or replacement of damaged public
16 property;
- 17 ▶ changes the rulemaking authority related to school bus safety from the Department
18 of Transportation to the Department of Public Safety;
- 19 ▶ allows the Department of Public Safety to issue a request for information to
20 evaluate options for creating a pilot program related to contracting with a towing
21 management company and requires the department to report to the Transportation
22 Interim Committee;
- 23 ▶ removes the requirement for certain vehicles transporting livestock to stop at a
24 port-of-entry;
- 25 ▶ amends provisions related to the use of certain funds for public transit projects that
26 increase capacity; and
- 27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **17B-2a-807.1**, as last amended by Laws of Utah 2019, Chapter 479

35 **17B-2a-808.1**, as last amended by Laws of Utah 2020, Chapter 377

36 **41-6a-409**, as last amended by Laws of Utah 2017, Chapter 142

37 **41-6a-1304**, as last amended by Laws of Utah 2008, Chapter 382

38 **63I-2-253**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

39 **72-1-304**, as last amended by Laws of Utah 2020, Chapter 377

40 **72-2-121**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

41 **72-2-124**, as last amended by Laws of Utah 2020, Chapters 366 and 377

42 **72-7-301**, as renumbered and amended by Laws of Utah 1998, Chapter 270

43 **72-9-501**, as last amended by Laws of Utah 2008, Chapter 284

44 **72-9-502**, as last amended by Laws of Utah 2019, Chapter 251

45 ENACTS:

46 **53-1-106.1**, Utah Code Annotated 1953



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **17B-2a-807.1** is amended to read:

50 **17B-2a-807.1. Large public transit district board of trustees -- Appointment --**
51 **Quorum -- Compensation -- Terms.**

52 (1) (a) For a large public transit district, the board of trustees shall consist of three
53 members appointed as described in Subsection (1)(b).

54 (b) (i) The governor, with advice and consent of the Senate, shall appoint the members
55 of the board of trustees, making an appointment from nominations given from each region

56 created in Subsection (1)(b)(ii).

57 (ii) (A) Before creation of a large public transit district, the political subdivision or
58 subdivisions forming the large public transit district shall submit to the Legislature for approval
59 a proposal for the creation of three regions for nominating members to the board of trustees of
60 the large public transit district.

61 (B) For a large public transit district created after January 1, 2019, the Legislature, after
62 receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate
63 three regions for nominating members to the board of trustees of the large public transit
64 district, and further describe the process for nomination for appointment to the board of
65 trustees.

66 (c) Each nominee shall be a qualified executive with technical and administrative
67 experience and training appropriate for the position.

68 (d) The board of trustees of a large public transit district shall be full-time employees
69 of the public transit district.

70 (e) The compensation package for the board of trustees shall be determined by a local
71 advisory council as described in Section [17B-2a-808.2](#).

72 (f) (i) Subject to Subsection (1)(f)(iii), for a board of trustees of a large public transit
73 district, "quorum" means at least two members of the board of trustees.

74 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

75 (iii) A meeting of a quorum of the board of trustees of a large public transit district is
76 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what
77 constitutes a public meeting.

78 (2) (a) Subject to Subsections (3), ~~(4)~~, and [~~(4)~~] (7), each member of the board of
79 trustees of a large public transit district shall serve for a term of four years.

80 (b) A member of the board of trustees may serve an unlimited number of terms.

81 (3) Each member of the board of trustees of a large public transit district shall serve at
82 the pleasure of the governor.

83 (4) The first time the board of trustees is appointed under this section, the governor
84 shall stagger the initial term of each of the members of the board of trustees as follows:

85 (a) one member of the board of trustees shall serve an initial term of two years;

86 (b) one member of the board of trustees shall serve an initial term of three years; and

87 (c) one member of the board of trustees shall serve an initial term of four years.

88 (5) The governor shall designate one member of the board of trustees as chair of the
89 board of trustees.

90 (6) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
91 individual shall occur in the same manner described in Subsection (1) for the member creating
92 the vacancy.

93 (b) A replacement board member shall serve for the remainder of the unexpired term,
94 but may serve an unlimited number of terms as provided in Subsection (2)(b).

95 (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy
96 within 60 days, the governor shall appoint an individual to fill the vacancy.

97 (7) Each board of trustees member shall serve until a successor is duly nominated,
98 appointed, and qualified, unless the board of trustees member is removed from office or resigns
99 or otherwise leaves office.

100 Section 2. Section **17B-2a-808.1** is amended to read:

101 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**
102 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

103 (1) The powers and duties of a board of trustees of a large public transit district stated
104 in this section are in addition to the powers and duties stated in Section **17B-1-301**.

105 (2) The board of trustees of each large public transit district shall:

106 (a) hold public meetings and receive public comment;

107 (b) ensure that the policies, procedures, and management practices established by the
108 public transit district meet state and federal regulatory requirements and federal grantee
109 eligibility;

110 (c) subject to Subsection (8), create and approve an annual budget, including the
111 issuance of bonds and other financial instruments, after consultation with the local advisory
112 council;

113 (d) approve any interlocal agreement with a local jurisdiction;

114 (e) in consultation with the local advisory council, approve contracts and overall
115 property acquisitions and dispositions for transit-oriented development;

116 (f) in consultation with constituent counties, municipalities, metropolitan planning
117 organizations, and the local advisory council:

118 (i) develop and approve a strategic plan for development and operations on at least a
119 four-year basis; and

120 (ii) create and pursue funding opportunities for transit capital and service initiatives to
121 meet anticipated growth within the public transit district;

122 (g) annually report the public transit district's long-term financial plan to the State
123 Bonding Commission;

124 (h) annually report the public transit district's progress and expenditures related to state
125 resources to the Executive Appropriations Committee and the Infrastructure and General
126 Government Appropriations Subcommittee;

127 (i) annually report to the Transportation Interim Committee the public transit district's
128 efforts to engage in public-private partnerships for public transit services;

129 ~~[(j) (i) in partnership with the Department of Transportation, study and evaluate the~~
130 ~~feasibility of a strategic transition of a large public transit district into a state entity; and]~~

131 ~~[(ii) in partnership with the Department of Transportation, before November 30, 2019,~~
132 ~~report on the progress of the study to the Transportation Interim Committee and the~~
133 ~~Infrastructure and General Government Appropriations Subcommittee;]~~

134 ~~[(k)]~~ (j) hire, set salaries, and develop performance targets and evaluations for:

135 (i) the executive director; and

136 (ii) all chief level officers;

137 ~~[(h)]~~ (k) supervise and regulate each transit facility that the public transit district owns
138 and operates, including:

139 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
140 charges; and

141 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in
142 connection with a transit facility that the district owns or controls;

143 ~~[(m)]~~ (l) subject to Subsection (4), control the investment of all funds assigned to the
144 district for investment, including funds:

145 (i) held as part of a district's retirement system; and

146 (ii) invested in accordance with the participating employees' designation or direction
147 pursuant to an employee deferred compensation plan established and operated in compliance
148 with Section 457 of the Internal Revenue Code;

149 ~~[(n)]~~ (m) in consultation with the local advisory council created under Section
150 [17B-2a-808.2](#), invest all funds according to the procedures and requirements of Title 51,
151 Chapter 7, State Money Management Act;

152 ~~[(o)]~~ (n) if a custodian is appointed under Subsection (3)(d), and subject to Subsection
153 (4), pay the fees for the custodian's services from the interest earnings of the investment fund
154 for which the custodian is appointed;

155 ~~[(p)]~~ (o) (i) cause an annual audit of all public transit district books and accounts to be
156 made by an independent certified public accountant;

157 (ii) as soon as practicable after the close of each fiscal year, submit to each of the
158 councils of governments within the public transit district a financial report showing:

159 (A) the result of district operations during the preceding fiscal year;

160 (B) an accounting of the expenditures of all local sales and use tax revenues generated
161 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;

162 (C) the district's financial status on the final day of the fiscal year; and

163 (D) the district's progress and efforts to improve efficiency relative to the previous

164 fiscal year; and

165 (iii) supply copies of the report under Subsection [~~(2)(p)(ii)~~] (2)(o)(ii) to the general
166 public upon request;

167 [~~(q)~~] (p) report at least annually to the Transportation Commission created in Section
168 72-1-301, which report shall include:

169 (i) the district's short-term and long-range public transit plans, including the portions of
170 applicable regional transportation plans adopted by a metropolitan planning organization
171 established under 23 U.S.C. Sec. 134; and

172 (ii) any transit capital development projects that the board of trustees would like the
173 Transportation Commission to consider;

174 [~~(r)~~] (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct
175 audits that the board of trustees determines, in consultation with the local advisory council
176 created in Section 17B-2a-808.2, to be the most critical to the success of the organization;

177 [~~(s)~~] (r) together with the local advisory council created in Section 17B-2a-808.2, hear
178 audit reports for audits conducted in accordance with Subsection [~~(2)(p)~~] (2)(o);

179 [~~(t)~~] (s) review and approve all contracts pertaining to reduced fares, and evaluate
180 existing contracts, including review of:

181 (i) how negotiations occurred;

182 (ii) the rationale for providing a reduced fare; and

183 (iii) identification and evaluation of cost shifts to offset operational costs incurred and
184 impacted by each contract offering a reduced fare;

185 [~~(u)~~] (t) in consultation with the local advisory council, develop and approve other
186 board policies, ordinances, and bylaws; and

187 [~~(v)~~] (u) review and approve any:

188 (i) contract or expense exceeding \$200,000; or

189 (ii) proposed change order to an existing contract if the change order:

190 (A) increases the total contract value to \$200,000 or more;

191 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or
192 (C) has a total change order value of \$200,000 or more.
193 (3) A board of trustees of a large public transit district may:
194 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that
195 are:
196 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
197 provisions of this part; and
198 (ii) necessary for:
199 (A) the governance and management of the affairs of the district;
200 (B) the execution of district powers; and
201 (C) carrying into effect the provisions of this part;
202 (b) provide by resolution, under terms and conditions the board considers fit, for the
203 payment of demands against the district without prior specific approval by the board, if the
204 payment is:
205 (i) for a purpose for which the expenditure has been previously approved by the board;
206 (ii) in an amount no greater than the amount authorized; and
207 (iii) approved by the executive director or other officer or deputy as the board
208 prescribes;
209 (c) in consultation with the local advisory council created in Section [17B-2a-808.2](#):
210 (i) hold public hearings and subpoena witnesses; and
211 (ii) appoint district officers to conduct a hearing and require the officers to make
212 findings and conclusions and report them to the board; and
213 (d) appoint a custodian for the funds and securities under its control, subject to
214 Subsection [~~(2)(o)~~] (2)(n).
215 (4) For a large public transit district in existence as of May 8, 2018, on or before
216 September 30, 2019, the board of trustees of a large public transit district shall present a report
217 to the Transportation Interim Committee regarding retirement benefits of the district, including:

218 (a) the feasibility of becoming a participating employer and having retirement benefits
219 of eligible employees and officials covered in applicable systems and plans administered under
220 Title 49, Utah State Retirement and Insurance Benefit Act;

221 (b) any legal or contractual restrictions on any employees that are party to a collectively
222 bargained retirement plan; and

223 (c) a comparison of retirement plans offered by the large public transit district and
224 similarly situated public employees, including the costs of each plan and the value of the
225 benefit offered.

226 (5) The board of trustees may not issue a bond unless the board of trustees has
227 consulted and received approval from the State Bonding Commission created in Section
228 [63B-1-201](#).

229 (6) A member of the board of trustees of a large public transit district or a hearing
230 officer designated by the board may administer oaths and affirmations in a district investigation
231 or proceeding.

232 (7) (a) The vote of the board of trustees on each ordinance or resolution shall be by roll
233 call vote with each affirmative and negative vote recorded.

234 (b) The board of trustees of a large public transit district may not adopt an ordinance
235 unless it is introduced at least 24 hours before the board of trustees adopts it.

236 (c) Each ordinance adopted by a large public transit district's board of trustees shall
237 take effect upon adoption, unless the ordinance provides otherwise.

238 (8) (a) For a large public transit district in existence on May 8, 2018, for the budget for
239 calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual budget.

240 (b) The budget described in Subsection (8)(a) shall include setting the salary of each of
241 the members of the board of trustees that will assume control on or before November 1, 2018,
242 which salary may not exceed \$150,000, plus additional retirement and other standard benefits,
243 as set by the local advisory council as described in Section [17B-2a-808.2](#).

244 (c) For a large public transit district in existence on May 8, 2018, the board of trustees

245 that assumes control of the large public transit district on or before November 2, 2018, shall
246 approve the calendar year 2019 budget on or before December 31, 2018.

247 Section 3. Section **41-6a-409** is amended to read:

248 **41-6a-409. Prohibition of flat response fee for motor vehicle accident.**

249 (1) As used in this section, "government entity" means the Department of
250 Transportation, the Utah Highway Patrol Division, or a local government entity or agency.

251 (2) A government entity:

252 (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a
253 motor vehicle accident; and

254 (b) may only charge the individual for the actual cost or a reasonable estimate of the
255 cost of services provided in responding to the motor vehicle accident, limited to:

256 (i) medical costs for transporting an individual from the scene of a motor vehicle
257 accident or treating a person injured in a motor vehicle accident;

258 (ii) subject to Subsection (6), the cost for repair ~~[to]~~ or replacement of damaged public
259 property, if the individual is legally liable for the damage;

260 (iii) the cost of materials used in cleaning up the motor vehicle accident, if the
261 individual is legally liable for the motor vehicle accident; and

262 (iv) towing costs.

263 (3) If a government entity imposes a charge on more than one individual for the actual
264 cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the
265 government entity shall apportion the charges so that the government entity does not receive
266 more for responding to the motor vehicle accident than the actual response cost or a reasonable
267 estimate of the cost.

268 (4) Nothing in this section prohibits a government entity from contracting with an
269 independent contractor to recover costs related to damage to public property.

270 (5) If a government entity enters into a contract with an independent contractor to
271 recover costs related to damage to public property, the government entity may only pay the

272 independent contractor out of any recovery received from the person who caused the damage or
273 the responsible party.

274 (6) (a) The costs of repair or replacement of damaged public property described in
275 Subsection (2)(b)(ii) include the full cost to:

276 (i) repair the damaged public property; or

277 (ii) replace the damaged public property with a replacement that is functionally
278 equivalent to the property that was damaged.

279 (b) Except for the replacement of a damaged motor vehicle, the costs described in
280 Subsection (6)(a) may not be reduced based on the depreciated value of the damaged public
281 property at the time the damage occurs.

282 Section 4. Section **41-6a-1304** is amended to read:

283 **41-6a-1304. School buses -- Rules regarding design and operation.**

284 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
285 the Department of [~~Transportation by and~~] Public Safety, with the advice of the State Board of
286 Education [~~and the Department of Public Safety~~], shall adopt and enforce rules, not
287 inconsistent with this chapter, to govern the design and operation of all school buses in this
288 state when:

289 (i) owned and operated by any school district;

290 (ii) privately owned and operated under contract with a school district; or

291 (iii) privately owned for use by a private school.

292 (b) The rules under this Subsection (1) shall by reference be made a part of any
293 contract with a school district or private school to operate a school bus.

294 (2) Every school district or private school, its officers and employees, and every person
295 employed under contract by a school district or private school shall be subject to the rules
296 under Subsection (1).

297 Section 5. Section **53-1-106.1** is enacted to read:

298 **53-1-106.1. Public-private partnership for tow rotation services.**

299 (1) The department may issue a request for information under Section 63G-6a-409 to
300 evaluate the availability of vendors, products, and technology capable of increasing efficiency,
301 effectiveness, and transparency in the dispatching of towing providers and management of
302 towing rotations in counties of the first or second class as classified under Section 17-50-501
303 that experience high demand for tow truck services.

304 (2) The department shall evaluate responses to a request for information described in
305 Subsection (1) for:

306 (a) the following requirements and capabilities:

307 (i) decreasing delays associated with requesting and dispatching a tow truck motor
308 carrier from an established tow rotation;

309 (ii) increasing information, transparency, and data collection associated with tow
310 rotation operations, including dispatching, response time, completion, clearance, and storage;
311 and

312 (iii) increasing responder and traffic safety by reducing secondary crashes, responder
313 time on scene, and the impacts of traffic accidents on traffic flow and safety; and

314 (b) costs and distribution of costs for the implementation of product programs,
315 equipment, technology, and other requirements.

316 (3) (a) The department shall report the department's findings and evaluation of any
317 request for information described in Subsection (1) to the Transportation Interim Committee no
318 later than November 30, 2021.

319 (b) Upon receipt of a report described in Subsection (3)(a), the Transportation Interim
320 Committee shall:

321 (i) review the department's evaluation of the responses to the request for information in
322 accordance with Subsection (2); and

323 (ii) if the Transportation Interim Committee determines appropriate, recommend
324 legislation that creates a pilot program for a public-private partnership related to towing
325 rotation management.

326 Section 6. Section **63I-2-253** is amended to read:

327 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

328 (1) Section 53-1-106.1 is repealed January 1, 2022.

329 [~~1~~] (2) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic
330 emergency, is repealed on December 31, 2021.

331 (b) When repealing Section 53-2a-217, the Office of Legislative Research and General
332 Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
333 necessary changes to subsection numbering and cross references.

334 [~~2~~] (3) Section 53B-2a-103 is repealed July 1, 2021.

335 [~~3~~] (4) Section 53B-2a-104 is repealed July 1, 2021.

336 [~~4~~] (5) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a
337 technical college board of trustees, is repealed July 1, 2022.

338 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
339 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
340 necessary changes to subsection numbering and cross references.

341 [~~5~~] (6) Section 53B-6-105.7 is repealed July 1, 2024.

342 [~~6~~] (7) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as
343 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

344 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's
345 change in performance with the technical college's average performance, is repealed July 1,
346 2021.

347 [~~7~~] (8) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as
348 provided in Subsection (3)(b)," is repealed July 1, 2021.

349 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college
350 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

351 [~~8~~] (9) Section 53B-8-114 is repealed July 1, 2024.

352 [~~9~~] (10) (a) The following sections, regarding the Regents' scholarship program, are

353 repealed on July 1, 2023:

354 (i) Section 53B-8-202;

355 (ii) Section 53B-8-203;

356 (iii) Section 53B-8-204; and

357 (iv) Section 53B-8-205.

358 (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for
359 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

360 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and
361 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
362 necessary changes to subsection numbering and cross references.

363 [~~(10)~~] (11) Section 53B-10-101 is repealed on July 1, 2027.

364 [~~(11)~~] (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
365 is repealed July 1, 2023.

366 [~~(12)~~] (13) Section 53E-3-519 regarding school counselor services is repealed July 1,
367 2020.

368 [~~(13)~~] (14) Section 53E-3-520 is repealed July 1, 2021.

369 [~~(14)~~] (15) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school
370 performance and continued funding relating to the School Recognition and Reward Program, is
371 repealed July 1, 2020.

372 [~~(15)~~] (16) Section 53E-5-307 is repealed July 1, 2020.

373 [~~(16)~~] (17) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed
374 July 1, 2024.

375 [~~(17)~~] (18) In Subsections 53F-2-205(4) and (5), regarding the State Board of
376 Education's duties if contributions from the minimum basic tax rate are overestimated or
377 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
378 2023.

379 [~~(18)~~] (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is

380 repealed July 1, 2023.

381 ~~[(19)]~~ (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
382 applicable" is repealed July 1, 2023.

383 ~~[(20)]~~ (21) Section 53F-4-207 is repealed July 1, 2022.

384 ~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
385 applicable" is repealed July 1, 2023.

386 ~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
387 applicable" is repealed July 1, 2023.

388 ~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
389 applicable" is repealed July 1, 2023.

390 ~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
391 as applicable" is repealed July 1, 2023.

392 ~~[(25)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),
393 related to the civics engagement pilot program, are repealed on July 1, 2023.

394 ~~[(26)]~~ (27) On July 1, 2023, when making changes in this section, the Office of
395 Legislative Research and General Counsel shall, in addition to the office's authority under
396 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
397 identified in this section are complete sentences and accurately reflect the office's perception of
398 the Legislature's intent.

399 Section 7. Section 72-1-304 is amended to read:

400 **72-1-304. Written project prioritization process for new transportation capacity**
401 **projects -- Rulemaking.**

402 (1) (a) The Transportation Commission, in consultation with the department and the
403 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
404 prioritization process for the prioritization of:

405 (i) new transportation capacity projects that are or will be part of the state highway
406 system under Chapter 4, Part 1, State Highways;

407 (ii) paved pedestrian or paved nonmotorized transportation projects that:
408 (A) mitigate traffic congestion on the state highway system; and
409 (B) are part of an active transportation plan approved by the department;
410 (iii) public transit projects that directly add capacity to the public transit systems within
411 the state, not including facilities ancillary to the public transit system; and
412 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
413 public transit system.

414 (b) (i) A local government or district may nominate a project for prioritization in
415 accordance with the process established by the commission in rule.

416 (ii) If a local government or district nominates a project for prioritization by the
417 commission, the local government or district shall provide data and evidence to show that:

418 (A) the project will advance the purposes and goals described in Section 72-1-211;

419 (B) for a public transit project, the local government or district has an ongoing funding
420 source for operations and maintenance of the proposed development; and

421 (C) the local government or district will provide 40% of the costs for the project as
422 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

423 (2) The following shall be included in the written prioritization process under
424 Subsection (1):

425 (a) a description of how the strategic initiatives of the department adopted under
426 Section 72-1-211 are advanced by the written prioritization process;

427 (b) a definition of the type of projects to which the written prioritization process
428 applies;

429 (c) specification of a weighted criteria system that is used to rank proposed projects
430 and how it will be used to determine which projects will be prioritized;

431 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

432 (e) any other provisions the commission considers appropriate, which may include
433 consideration of:

434 (i) regional and statewide economic development impacts, including improved local
435 access to:

436 (A) employment;

437 (B) educational facilities;

438 (C) recreation;

439 (D) commerce; and

440 (E) residential areas, including moderate income housing as demonstrated in the local
441 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

442 (ii) the extent to which local land use plans relevant to a project support and
443 accomplish the strategic initiatives adopted under Section 72-1-211; and

444 (iii) any matching funds provided by a political subdivision or public transit district in
445 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

446 (3) (a) When prioritizing a public transit project that increases capacity, the
447 commission may give priority consideration to projects that are part of a transit-oriented
448 development or transit-supportive development as defined in Section 17B-2a-802.

449 (b) When prioritizing a public transit or transportation project that increases capacity,
450 the commission may give priority consideration to projects that are part of a transportation
451 reinvestment zone created under Section 11-13-227 if:

452 (i) the state is a participant in the transportation reinvestment zone; or

453 (ii) the commission finds that the transportation reinvestment zone provides a benefit
454 to the state transportation system.

455 (4) In developing the written prioritization process, the commission:

456 (a) shall seek and consider public comment by holding public meetings at locations
457 throughout the state; and

458 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
459 the state provides an equal opportunity to raise local matching dollars for state highway
460 improvements within each county.

461 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
462 Transportation Commission, in consultation with the department, shall make rules establishing
463 the written prioritization process under Subsection (1).

464 (6) The commission shall submit the proposed rules under this section to a committee
465 or task force designated by the Legislative Management Committee for review prior to taking
466 final action on the proposed rules or any proposed amendment to the rules described in
467 Subsection (5).

468 Section 8. Section **72-2-121** is amended to read:

469 **72-2-121. County of the First Class Highway Projects Fund.**

470 (1) There is created a special revenue fund within the Transportation Fund known as
471 the "County of the First Class Highway Projects Fund."

472 (2) The fund consists of money generated from the following revenue sources:

473 (a) any voluntary contributions received for new construction, major renovations, and
474 improvements to highways within a county of the first class;

475 (b) the portion of the sales and use tax described in Subsection [59-12-2214\(3\)\(b\)](#)
476 deposited in or transferred to the fund;

477 (c) the portion of the sales and use tax described in Section [59-12-2217](#) deposited in or
478 transferred to the fund; and

479 (d) a portion of the local option highway construction and transportation corridor
480 preservation fee imposed in a county of the first class under Section [41-1a-1222](#) deposited in or
481 transferred to the fund.

482 (3) (a) The fund shall earn interest.

483 (b) All interest earned on fund money shall be deposited into the fund.

484 (4) The executive director shall use the fund money only:

485 (a) to pay debt service and bond issuance costs for bonds issued under Sections
486 [63B-16-102](#), [63B-18-402](#), and [63B-27-102](#);

487 (b) for right-of-way acquisition, new construction, major renovations, and

488 improvements to highways within a county of the first class and to pay any debt service and
489 bond issuance costs related to those projects, including improvements to a highway located
490 within a municipality in a county of the first class where the municipality is located within the
491 boundaries of more than a single county;

492 (c) for the construction, acquisition, use, maintenance, or operation of:

493 (i) an active transportation facility for nonmotorized vehicles;

494 (ii) multimodal transportation that connects an origin with a destination; or

495 (iii) a facility that may include a:

496 (A) pedestrian or nonmotorized vehicle trail;

497 (B) nonmotorized vehicle storage facility;

498 (C) pedestrian or vehicle bridge; or

499 (D) vehicle parking lot or parking structure;

500 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
501 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts
502 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

503 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
504 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects
505 described in Subsection 63B-18-401(4)(a);

506 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
507 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
508 transfer an amount equal to 50% of the revenue generated by the local option highway
509 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
510 a county of the first class:

511 (i) to the legislative body of a county of the first class; and

512 (ii) to be used by a county of the first class for:

513 (A) highway construction, reconstruction, or maintenance projects; or

514 (B) the enforcement of state motor vehicle and traffic laws;

515 (g) for fiscal year 2015-16 only, and after the department has verified that the amount
516 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
517 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:

518 (i) to the legislative body of a county of the first class; and

519 (ii) to be used by the county for the purposes described in this section;

520 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified
521 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the
522 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to
523 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
524 the fund in accordance with Subsection 59-12-2214(3)(b) to:

525 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under
526 Section 63B-27-102; and

527 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been
528 deposited into the Transportation Fund;

529 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
530 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
531 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
532 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
533 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the
534 first class to fund a system for public transit;

535 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified
536 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
537 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
538 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
539 deposited into the fund under Subsection (2)(b):

540 (i) to the legislative body of a county of the first class; and

541 (ii) to fund parking facilities in a county of the first class that facilitate significant

542 economic development and recreation and tourism within the state;

543 (k) for the 2018-19 fiscal year only, after the department has verified that the amount
544 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under
545 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections
546 (4)(h), (i), and (j) have been made, to transfer \$12,000,000 to the department to distribute for
547 the following projects:

548 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

549 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from
550 6800 West to 7300 West;

551 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;

552 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400
553 South to 13200 South;

554 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State
555 Street to Van Winkle;

556 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
557 11400 South to 12300 South;

558 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;

559 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to
560 10200 South from 2700 West to 3200 West;

561 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near
562 Mountain View Corridor;

563 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and

564 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
565 7200 West to 8000 West; and

566 (l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been
567 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in
568 Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required

569 under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection
570 (4)(e) has been made, and after the bonds under Section 63B-27-102 have been repaid, to
571 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a
572 county of the first class and deposited into the fund in accordance with Subsection
573 59-12-2214(3)(b):

- 574 (i) to the legislative body of a county of the first class; and
- 575 (ii) to be used by the county for the purposes described in this section.

576 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the
577 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and
578 63B-27-102 are considered a local matching contribution for the purposes described under
579 Section 72-2-123.

580 (6) The additional administrative costs of the department to administer this fund shall
581 be paid from money in the fund.

582 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the
583 revenue sources deposited into this fund, the Department of Transportation may use the money
584 in this fund for any of the purposes detailed in Subsection (4).

585 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal
586 year, after all programmed payments and transfers authorized or required under this section
587 have been made, on November 30 the department shall transfer the remainder of the money in
588 the fund to the Transportation Fund to reduce the amount owed to the Transportation Fund
589 under Subsection [~~(4)(j)(ii)~~] (4)(h)(ii).

590 (b) The department shall provide notice to a county of the first class of the amount
591 transferred in accordance with this Subsection (8).

592 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under
593 Subsections (4) through (8) is subject to the review process described in this Subsection (9).

594 (b) A county of the first class shall create a county transportation advisory committee
595 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public

596 transit projects and rank projects for allocation of funds.

597 (c) The county transportation advisory committee described in Subsection (9)(b) shall
598 be composed of the following 13 members:

599 (i) six members who are residents of the county, nominated by the county executive
600 and confirmed by the county legislative body who are:

601 (A) members of a local advisory council of a large public transit district as defined in
602 Section 17B-2a-802;

603 (B) county council members; or

604 (C) other residents with expertise in transportation planning and funding; and

605 (ii) seven members nominated by the county executive, and confirmed by the county
606 legislative body, chosen from mayors or managers of cities or towns within the county.

607 (d) (i) A majority of the members of the county transportation advisory committee
608 constitutes a quorum.

609 (ii) The action by a quorum of the county transportation advisory committee constitutes
610 an action by the county transportation advisory committee.

611 (e) The county body shall determine:

612 (i) the length of a term of a member of the county transportation advisory committee;

613 (ii) procedures and requirements for removing a member of the county transportation
614 advisory committee;

615 (iii) voting requirements of the county transportation advisory committee;

616 (iv) chairs or other officers of the county transportation advisory committee;

617 (v) how meetings are to be called and the frequency of meetings, but not less than once
618 annually; and

619 (vi) the compensation, if any, of members of the county transportation advisory
620 committee.

621 (f) The county shall establish by ordinance criteria for prioritization and ranking of
622 projects, which may include consideration of regional and countywide economic development

623 impacts, including improved local access to:

- 624 (i) employment;
- 625 (ii) recreation;
- 626 (iii) commerce; and
- 627 (iv) residential areas.

628 (g) The county transportation advisory committee shall evaluate and rank each
629 proposed public transit project and regionally significant transportation facility according to
630 criteria developed pursuant to Subsection (9)(f).

631 (h) (i) After the review and ranking of each project as described in this section, the
632 county transportation advisory committee shall provide a report and recommend the ranked list
633 of projects to the county legislative body and county executive.

634 (ii) After review of the recommended list of projects, as part of the county budgetary
635 process, the county executive shall review the list of projects and may include in the proposed
636 budget the proposed projects for allocation, as funds are available.

637 (i) The county executive of the county of the first class, with information provided by
638 the county and relevant state entities, shall provide a report annually to the county
639 transportation advisory committee, and to the mayor or manager of each city, town, or metro
640 township in the county, including the following:

- 641 (i) the amount of revenue received into the fund during the past year;
- 642 (ii) any funds available for allocation;
- 643 (iii) funds obligated for debt service; and
- 644 (iv) the outstanding balance of transportation-related debt.

645 (10) As resources allow, the department shall study in 2020 transportation connectivity
646 in the southwest valley of Salt Lake County, including the feasibility of connecting major
647 east-west corridors to U-111.

648 Section 9. Section **72-2-124** is amended to read:

649 **72-2-124. Transportation Investment Fund of 2005.**

650 (1) There is created a capital projects fund entitled the Transportation Investment Fund
651 of 2005.

652 (2) The fund consists of money generated from the following sources:

653 (a) any voluntary contributions received for the maintenance, construction,
654 reconstruction, or renovation of state and federal highways;

655 (b) appropriations made to the fund by the Legislature;

656 (c) registration fees designated under Section 41-1a-1201;

657 (d) the sales and use tax revenues deposited into the fund in accordance with Section
658 59-12-103; and

659 (e) revenues transferred to the fund in accordance with Section 72-2-106.

660 (3) (a) The fund shall earn interest.

661 (b) All interest earned on fund money shall be deposited into the fund.

662 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
663 fund money to pay:

664 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
665 federal highways prioritized by the Transportation Commission through the prioritization
666 process for new transportation capacity projects adopted under Section 72-1-304;

667 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
668 projects described in Subsections 63B-18-401(2), (3), and (4);

669 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
670 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
671 with Subsection 72-2-121(4)(e);

672 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
673 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
674 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
675 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

676 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101

677 for projects prioritized in accordance with Section 72-2-125;

678 (vi) all highway general obligation bonds that are intended to be paid from revenues in
679 the Centennial Highway Fund created by Section 72-2-118;

680 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
681 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
682 in Section 72-2-121; and

683 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
684 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
685 nonmotorized transportation for projects that:

686 (A) mitigate traffic congestion on the state highway system;

687 (B) are part of an active transportation plan approved by the department; and

688 (C) are prioritized by the commission through the prioritization process for new
689 transportation capacity projects adopted under Section 72-1-304.

690 (b) The executive director may use fund money to exchange for an equal or greater
691 amount of federal transportation funds to be used as provided in Subsection (4)(a).

692 (5) (a) Except as provided in Subsection (5)(b), the executive director may not program
693 fund money to a project prioritized by the commission under Section 72-1-304, including fund
694 money from the Transit Transportation Investment Fund, within the boundaries of a
695 municipality that is required to adopt a moderate income housing plan element as part of the
696 municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has
697 failed to adopt a moderate income housing plan element as part of the municipality's general
698 plan or has failed to implement the requirements of the moderate income housing plan as
699 determined by the results of the Department of Workforce Service's review of the annual
700 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

701 (b) Within the boundaries of a municipality that is required under Subsection
702 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
703 income housing plan element as part of the municipality's general plan or has failed to

704 implement the requirements of the moderate income housing plan as determined by the results
705 of the Department of Workforce Service's review of the annual moderate income housing
706 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

707 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
708 facility or interchange connecting limited-access facilities;

709 (ii) may not program fund money for the construction, reconstruction, or renovation of
710 an interchange on a limited-access facility;

711 (iii) may program Transit Transportation Investment Fund money for a
712 multi-community fixed guideway public transportation project; and

713 (iv) may not program Transit Transportation Investment Fund money for the
714 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
715 transportation project.

716 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
717 director before May 1, 2020, for projects prioritized by the commission under Section
718 72-1-304.

719 (6) (a) Except as provided in Subsection (6)(b), the executive director may not program
720 fund money to a project prioritized by the commission under Section 72-1-304, including fund
721 money from the Transit Transportation Investment Fund, within the boundaries of the
722 unincorporated area of a county, if the county is required to adopt a moderate income housing
723 plan element as part of the county's general plan as described in Subsection 17-27a-401(3) and
724 if the county has failed to adopt a moderate income housing plan element as part of the county's
725 general plan or has failed to implement the requirements of the moderate income housing plan
726 as determined by the results of the Department of Workforce Service's review of the annual
727 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

728 (b) Within the boundaries of the unincorporated area of a county where the county is
729 required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has
730 failed to adopt a moderate income housing plan element as part of the county's general plan or

731 has failed to implement the requirements of the moderate income housing plan as determined
732 by the results of the Department of Workforce Service's review of the annual moderate income
733 housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

734 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
735 facility to a project prioritized by the commission under Section 72-1-304;

736 (ii) may not program fund money for the construction, reconstruction, or renovation of
737 an interchange on a limited-access facility;

738 (iii) may program Transit Transportation Investment Fund money for a
739 multi-community fixed guideway public transportation project; and

740 (iv) may not program Transit Transportation Investment Fund money for the
741 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
742 transportation project.

743 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
744 director before July 1, 2020, for projects prioritized by the commission under Section 72-1-304.

745 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
746 in any fiscal year, the department and the commission shall appear before the Executive
747 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
748 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
749 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

750 (b) The Executive Appropriations Committee of the Legislature shall review and
751 comment on the amount of bond proceeds needed to fund the projects.

752 (8) The Division of Finance shall, from money deposited into the fund, transfer the
753 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
754 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
755 sinking fund.

756 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
757 Transportation Investment Fund.

758 (b) The fund shall be funded by:
759 (i) contributions deposited into the fund in accordance with Section 59-12-103;
760 (ii) appropriations into the account by the Legislature;
761 (iii) private contributions; and
762 (iv) donations or grants from public or private entities.
763 (c) (i) The fund shall earn interest.
764 (ii) All interest earned on fund money shall be deposited into the fund.
765 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund
766 for public transit capital development of new capacity projects to be used as prioritized by the
767 commission through the prioritization process adopted under Section 72-1-304.
768 (e) (i) The Legislature may only appropriate money from the fund for a public transit
769 capital development project or pedestrian or nonmotorized transportation project that provides
770 connection to the public transit system if the public transit district or political subdivision
771 provides funds of equal to or greater than 40% of the costs needed for the project.
772 (ii) A public transit district or political subdivision may use money derived from a loan
773 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
774 part of the 40% requirement described in Subsection (9)(e)(i) if:
775 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
776 State Infrastructure Bank Fund; and
777 (B) the proposed capital project has been prioritized by the commission pursuant to
778 Section 72-1-303.
779 Section 10. Section 72-7-301 is amended to read:
780 **72-7-301. Liability for damage to highway, highway equipment, or highway sign**
781 **-- Liability for damage to highway from illegal operation of oversize or overweight**
782 **vehicles -- Recovery.**
783 (1) A person who by any means willfully or negligently injures or damages any
784 highway, highway equipment, or highway sign is liable for the damage.

785 (2) A person who operates or moves any vehicle or object on any highway is liable for
786 all damage that the highway sustains from:

787 (a) any illegal operation or movement of a vehicle or object; and

788 (b) any vehicle or object that exceeds the maximum size, weight, or load limitations
789 specified by law, with or without authority of an oversize or overweight permit.

790 (3) (a) Except under Subsection (3)(b), if the operator is not the owner of the vehicle or
791 object but is operating or moving the vehicle or object with the express or implied permission
792 of the owner, the owner and operator are jointly and severally liable under Subsection (2) for
793 any damage caused to a highway by the operation or movement of the vehicle or object.

794 (b) An operator who is not the owner of the vehicle or object and who under an express
795 or implied condition of his employment or any privilege related to his employment is required
796 to operate or move a vehicle or object in violation of Part 4, Vehicle Size, Weight, and Load
797 Limitations, is not liable for any damage caused to a highway by the illegal operation or
798 movement of the vehicle or object.

799 (4) The value of the property damaged may be recovered in a civil action brought by
800 the highway authority having jurisdiction over the property damaged.

801 (5) (a) For purposes of this section, the value of the damaged property includes the full
802 cost to:

803 (i) repair the damaged property; or

804 (ii) replace the damaged property with a replacement that is functionally equivalent to
805 the property that was damaged.

806 (b) Except for the replacement of a damaged motor vehicle, the costs described in
807 Subsection (5)(a) may not be reduced based on the depreciated value of the damaged property
808 at the time the damage occurs.

809 Section 11. Section **72-9-501** is amended to read:

810 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**
811 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**

812 **agents.**

813 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor
814 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws
815 including laws relating to:

816 (i) driver qualifications;

817 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;

818 (iii) vehicle registration;

819 (iv) fuel tax payment;

820 (v) vehicle size, weight, and load;

821 (vi) security or insurance;

822 (vii) this chapter;

823 (viii) hazardous material as defined under 49 U.S.C. 5102; and

824 [~~(ix) livestock transportation; and~~]

825 [~~(ix)~~ (ix) safety.

826 (b) The ports-of-entry shall be located on state highways at sites determined by the
827 department.

828 (2) (a) The ports-of-entry shall be operated and maintained by the department.

829 (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles,
830 and vehicle loads for compliance with state and federal laws specified in Subsection (1).

831 (3) (a) A port-of-entry agent or a peace officer, in whose presence an offense described
832 in this section is committed, may:

833 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;

834 (ii) request and administer chemical tests to determine blood alcohol concentration in
835 compliance with Section 41-6a-515;

836 (iii) place a driver out-of-service in accordance with Section 53-3-417; and

837 (iv) serve a driver with notice of the Driver License Division of the Department of
838 Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle

839 in accordance with Section 53-3-418.

840 (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a
841 port-of-entry agent who is not a peace officer or special function officer designated under Title
842 53, Chapter 13, Peace Officer Classifications.

843 (4) (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources
844 may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections
845 23-27-301 and 23-27-302.

846 (b) The department is not responsible for decontaminating a conveyance or equipment
847 detained or quarantined.

848 (c) The Division of Wildlife Resources may decontaminate, as defined in Section
849 23-27-102, a conveyance or equipment at the port-of-entry if authorized by the department.

850 Section 12. Section 72-9-502 is amended to read:

851 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**

852 **Rulemaking -- By-pass permits.**

853 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross
854 vehicle weight of 10,001 pounds or more [~~or any motor vehicle carrying livestock as defined in~~
855 ~~Section 4-24-102~~] shall stop at a port-of-entry as required under this section.

856 (2) The department may erect and maintain signs directing motor vehicles to a
857 port-of-entry as provided in this section.

858 (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt
859 from this section if:

860 (a) the total one-way trip distance for the motor vehicle would be increased by more
861 than 5% or three miles, whichever is greater if diverted to a port-of-entry;

862 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit
863 issued under Subsection (4); or

864 (c) the motor vehicle is an implement of husbandry as defined in Section 41-1a-102
865 being operated only incidentally on a highway as described in Section 41-1a-202.

866 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
867 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit
868 exempting a motor vehicle from the provisions of Subsection (1) if the department determines
869 that the permit is needed to accommodate highway transportation needs due to multiple daily or
870 weekly trips in the proximity of a port-of-entry.

871 (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a
872 motor carrier for multiple motor vehicles.