

**TRANSPORTATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to transportation including a prohibition on the storage of certain dangerous materials beneath or near certain transportation facilities, and makes technical corrections and changes.

**Highlighted Provisions:**

This bill:

- ▶ makes technical changes throughout various sections to clean up cross references and remove outdated language;
- ▶ amends the definition of a snowmobile;
- ▶ prohibits the storage of flammable, explosive, or combustible materials near or beneath certain highway and public transit facilities;
- ▶ amends provisions regarding the use of certain funds for public transit studies;
- ▶ amends the descriptions of highways near certain state parks;
- ▶ amends a provision related to required matching funds to qualify for certain transportation funding to exclude projects administered by the Department of Transportation;
- ▶ amends the definition of abandoned aircraft; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17B-2a-804**, as last amended by Laws of Utah 2023, Chapter 15

33 **17B-2a-806**, as last amended by Laws of Utah 2023, Chapter 22

34 **17B-2a-808.1**, as last amended by Laws of Utah 2022, Chapter 207

35 **17B-2a-808.2**, as last amended by Laws of Utah 2023, Chapter 219

36 **17B-2a-810.1**, as enacted by Laws of Utah 2018, Chapter 424

37 **41-1a-1201**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, 335, and

38 372

39 **41-6a-201**, as renumbered and amended by Laws of Utah 2005, Chapter 2

40 **41-22-2**, as last amended by Laws of Utah 2022, Chapters 68, 88

41 **59-12-103 (Contingently Superseded 01/01/25)**, as last amended by Laws of Utah

42 2023, Chapters 22, 213, 329, 361, and 471

43 **59-12-103 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,

44 Chapters 22, 213, 329, 361, 459, and 471

45 **59-13-103**, as last amended by Laws of Utah 2020, Chapter 373

46 **72-1-201**, as last amended by Laws of Utah 2023, Chapter 432

47 **72-1-203**, as last amended by Laws of Utah 2023, Chapters 22, 219

48 **72-1-216**, as last amended by Laws of Utah 2021, Chapter 280

49 **72-1-304**, as last amended by Laws of Utah 2023, Chapters 22, 88 and 219

50 **72-2-124**, as last amended by Laws of Utah 2023, Chapters 22, 88, 219, and 529

51 **72-3-202**, as last amended by Laws of Utah 2013, Chapter 14

52 **72-3-203**, as last amended by Laws of Utah 2013, Chapter 14

53 **72-3-204**, as last amended by Laws of Utah 2013, Chapter 14

54 **72-3-205**, as last amended by Laws of Utah 2013, Chapter 14

55 **72-3-206**, as last amended by Laws of Utah 2013, Chapter 14

56 **72-6-118**, as last amended by Laws of Utah 2020, Chapter 377

57 **72-6-121**, as last amended by Laws of Utah 2023, Chapter 299

58 **72-10-203.5**, as enacted by Laws of Utah 2017, Chapter 301

59 [72-10-205.5](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4  
 60 [72-17-101](#) (Effective 03/31/24), as enacted by Laws of Utah 2023, Chapter 42  
 61 [72-17-102](#) (Effective 03/31/24), as enacted by Laws of Utah 2023, Chapter 42  
 62 [77-11d-105](#), as renumbered and amended by Laws of Utah 2023, Chapter 448

63 ENACTS:

64 [72-7-111](#), Utah Code Annotated 1953



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

67 Section 1. Section **17B-2a-804** is amended to read:

68 **17B-2a-804. Additional public transit district powers.**

69 (1) In addition to the powers conferred on a public transit district under Section  
 70 [17B-1-103](#), a public transit district may:

71 (a) provide a public transit system for the transportation of passengers and their  
 72 incidental baggage;

73 (b) notwithstanding Subsection [17B-1-103\(2\)\(g\)](#) and subject to Section [17B-2a-817](#),  
 74 levy and collect property taxes only for the purpose of paying:

75 (i) principal and interest of bonded indebtedness of the public transit district; or

76 (ii) a final judgment against the public transit district if:

77 (A) the amount of the judgment exceeds the amount of any collectable insurance or  
 78 indemnity policy; and

79 (B) the district is required by a final court order to levy a tax to pay the judgment;

80 (c) insure against:

81 (i) loss of revenues from damage to or destruction of some or all of a public transit  
 82 system from any cause;

83 (ii) public liability;

84 (iii) property damage; or

85 (iv) any other type of event, act, or omission;

86 (d) subject to Section [~~72-1-202~~] [72-1-203](#) pertaining to fixed guideway capital  
 87 development within a large public transit district, acquire, contract for, lease, construct, own,  
 88 operate, control, or use:

89 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,

- 90 parking lot, or any other facility necessary or convenient for public transit service; or
- 91 (ii) any structure necessary for access by persons and vehicles;
- 92 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
- 93 equipment, service, employee, or management staff of an operator; and
- 94 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
- 95 public interest;
- 96 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- 97 (g) accept a grant, contribution, or loan, directly through the sale of securities or
- 98 equipment trust certificates or otherwise, from the United States, or from a department,
- 99 instrumentality, or agency of the United States;
- 100 (h) study and plan transit facilities in accordance with any legislation passed by
- 101 Congress;
- 102 (i) cooperate with and enter into an agreement with the state or an agency of the state
- 103 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
- 104 transit facilities;
- 105 (j) subject to Subsection [~~17B-2a-808.1(5)~~], [17B-2a-808.1\(4\)](#), issue bonds as provided
- 106 in and subject to Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the
- 107 district;
- 108 (k) from bond proceeds or any other available funds, reimburse the state or an agency
- 109 of the state for an advance or contribution from the state or state agency;
- 110 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
- 111 under federal law, including complying with labor standards and making arrangements for
- 112 employees required by the United States or a department, instrumentality, or agency of the
- 113 United States;
- 114 (m) sell or lease property;
- 115 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
- 116 transit-supportive developments;
- 117 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner
- 118 or member in a development with limited liabilities in accordance with Subsection (1)(p),
- 119 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with
- 120 Subsection (3), transit-oriented developments or transit-supportive developments; and

121 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a  
122 transit-oriented development or a transit-supportive development in connection with project  
123 area development as defined in Section 17C-1-102 by:

- 124 (i) investing in a project as a limited partner or a member, with limited liabilities; or
- 125 (ii) subordinating an ownership interest in real property owned by the public transit  
126 district.

127 (2) (a) A public transit district may only assist in the development of areas under  
128 Subsection (1)(p) that have been approved by the board of trustees, and in the manners  
129 described in Subsection (1)(p).

130 (b) A public transit district may not invest in a transit-oriented development or  
131 transit-supportive development as a limited partner or other limited liability entity under the  
132 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,  
133 makes an equity contribution equal to no less than 25% of the appraised value of the property  
134 to be contributed by the public transit district.

135 (c) (i) For transit-oriented development projects, a public transit district shall adopt  
136 transit-oriented development policies and guidelines that include provisions on affordable  
137 housing.

138 (ii) For transit-supportive development projects, a public transit district shall work with  
139 the metropolitan planning organization and city and county governments where the project is  
140 located to collaboratively seek to create joint plans for the areas within one-half mile of transit  
141 stations, including plans for affordable housing.

142 (d) A current board member of a public transit district to which the board member is  
143 appointed may not have any interest in the transactions engaged in by the public transit district  
144 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's  
145 fiduciary duty as a board member.

146 (3) For any transit-oriented development or transit-supportive development authorized  
147 in this section, the public transit district shall:

148 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the  
149 development, including effect on:

- 150 (i) service and ridership;
- 151 (ii) regional plans made by the metropolitan planning agency;

- 152 (iii) the local economy;
- 153 (iv) the environment and air quality;
- 154 (v) affordable housing; and
- 155 (vi) integration with other modes of transportation;
- 156 (b) provide evidence to the public of a quantifiable positive return on investment,
- 157 including improvements to public transit service; and

158 (c) coordinate with the Department of Transportation in accordance with Section  
159 ~~[72-1-202]~~ [72-2-203](#) pertaining to fixed guideway capital development and associated parking  
160 facilities within a station area plan for a transit oriented development within a large public  
161 transit district.

162 (4) For any fixed guideway capital development project with oversight by the  
163 Department of Transportation as described in Section ~~[72-1-202]~~ [72-2-203](#), a large public  
164 transit district shall coordinate with the Department of Transportation in all aspects of the  
165 project, including planning, project development, outreach, programming, environmental  
166 studies and impact statements, impacts on public transit operations, and construction.

167 (5) A public transit district may participate in a transit-oriented development only if:

- 168 (a) for a transit-oriented development involving a municipality:
  - 169 (i) the relevant municipality has developed and adopted a station area plan; and
  - 170 (ii) the municipality is in compliance with Sections [10-9a-403](#) and [10-9a-408](#) regarding
  - 171 the inclusion of moderate income housing in the general plan and the required reporting
  - 172 requirements; or

- 173 (b) for a transit-oriented development involving property in an unincorporated area of a  
174 county, the county is in compliance with Sections [17-27a-403](#) and [17-27a-408](#) regarding  
175 inclusion of moderate income housing in the general plan and required reporting requirements.

176 (6) A public transit district may be funded from any combination of federal, state,  
177 local, or private funds.

178 (7) A public transit district may not acquire property by eminent domain.

179 Section 2. Section **17B-2a-806** is amended to read:

180 **17B-2a-806. Authority of the state or an agency of the state with respect to a**  
181 **public transit district -- Counties and municipalities authorized to provide funds to**  
182 **public transit district -- Equitable allocation of resources within the public transit**

183 **district.**

184 (1) The state or an agency of the state may:

185 (a) make public contributions to a public transit district as in the judgment of the  
186 Legislature or governing board of the agency are necessary or proper;

187 (b) authorize a public transit district to perform, or aid and assist a public transit district  
188 in performing, an activity that the state or agency is authorized by law to perform; or

189 (c) perform any action that the state agency is authorized by law to perform for the  
190 benefit of a public transit district.

191 (2) (a) A county or municipality involved in the establishment and operation of a  
192 public transit district may provide funds necessary for the operation and maintenance of the  
193 district.

194 (b) A county's use of property tax funds to establish and operate a public transit district  
195 within any part of the county is a county purpose under Section [17-53-220](#).

196 (3) (a) To allocate resources and funds for development and operation of a public  
197 transit district, whether received under this section or from other sources, and subject to  
198 Section ~~[72-1-202]~~ [72-1-203](#) pertaining to fixed guideway capital development within a large  
199 public transit district, a public transit district may:

200 (i) give priority to public transit services that feed rail fixed guideway services; and

201 (ii) allocate funds according to population distribution within the public transit district.

202 (b) The comptroller of a public transit district shall report the criteria and data  
203 supporting the allocation of resources and funds in the statement required in Section  
204 [17B-2a-812](#).

205 Section 3. Section **17B-2a-808.1** is amended to read:

206 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**

207 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

208 (1) The powers and duties of a board of trustees of a large public transit district stated  
209 in this section are in addition to the powers and duties stated in Section [17B-1-301](#).

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

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

212 (b) ensure that the policies, procedures, and management practices established by the  
213 public transit district meet state and federal regulatory requirements and federal grantee

214 eligibility;

215 (c) [~~subject to Subsection (8),~~] create and approve an annual budget, including the  
216 issuance of bonds and other financial instruments, after consultation with the local advisory  
217 council;

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

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

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

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

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

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

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

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

234 (j) hire, set salaries, and develop performance targets and evaluations for:

235 (i) the executive director; and

236 (ii) all chief level officers;

237 (k) supervise and regulate each transit facility that the public transit district owns and  
238 operates, including:

239 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and  
240 charges; and

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

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



- 245 (i) held as part of a district's retirement system; and
- 246 (ii) invested in accordance with the participating employees' designation or direction
- 247 pursuant to an employee deferred compensation plan established and operated in compliance
- 248 with Section 457 of the Internal Revenue Code;
- 249 (m) in consultation with the local advisory council created under Section
- 250 [17B-2a-808.2](#), invest all funds according to the procedures and requirements of Title 51,
- 251 Chapter 7, State Money Management Act;
- 252 (n) if a custodian is appointed under Subsection (3)(d), [~~and subject to Subsection (4);~~]
- 253 pay the fees for the custodian's services from the interest earnings of the investment fund for
- 254 which the custodian is appointed;
- 255 (o) (i) cause an annual audit of all public transit district books and accounts to be made
- 256 by an independent certified public accountant;
- 257 (ii) as soon as practicable after the close of each fiscal year, submit to each of the
- 258 councils of governments within the public transit district a financial report showing:
- 259 (A) the result of district operations during the preceding fiscal year;
- 260 (B) an accounting of the expenditures of all local sales and use tax revenues generated
- 261 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;
- 262 (C) the district's financial status on the final day of the fiscal year; and
- 263 (D) the district's progress and efforts to improve efficiency relative to the previous
- 264 fiscal year; and
- 265 (iii) supply copies of the report under Subsection (2)(o)(ii) to the general public upon
- 266 request;
- 267 (p) report at least annually to the Transportation Commission created in Section
- 268 [72-1-301](#), which report shall include:
- 269 (i) the district's short-term and long-range public transit plans, including the portions of
- 270 applicable regional transportation plans adopted by a metropolitan planning organization
- 271 established under 23 U.S.C. Sec. 134; and
- 272 (ii) any transit capital development projects that the board of trustees would like the
- 273 Transportation Commission to consider;
- 274 (q) direct the internal auditor appointed under Section [17B-2a-810](#) to conduct audits
- 275 that the board of trustees determines, in consultation with the local advisory council created in

276 Section 17B-2a-808.2, to be the most critical to the success of the organization;

277 (r) together with the local advisory council created in Section 17B-2a-808.2, hear audit

278 reports for audits conducted in accordance with Subsection (2)(o);

279 (s) review and approve all contracts pertaining to reduced fares, and evaluate existing

280 contracts, including review of:

281 (i) how negotiations occurred;

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

283 (iii) identification and evaluation of cost shifts to offset operational costs incurred and

284 impacted by each contract offering a reduced fare;

285 (t) in consultation with the local advisory council, develop and approve other board

286 policies, ordinances, and bylaws; and

287 (u) review and approve any:

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

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

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

291 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or

292 (C) has a total change order value of \$200,000 or more.

293 (3) A board of trustees of a large public transit district may:

294 (a) subject to Subsection [~~5~~] (4), make and pass ordinances, resolutions, and orders

295 that are:

296 (i) not repugnant to the United States Constitution, the Utah Constitution, or the

297 provisions of this part; and

298 (ii) necessary for:

299 (A) the governance and management of the affairs of the district;

300 (B) the execution of district powers; and

301 (C) carrying into effect the provisions of this part;

302 (b) provide by resolution, under terms and conditions the board considers fit, for the

303 payment of demands against the district without prior specific approval by the board, if the

304 payment is:

305 (i) for a purpose for which the expenditure has been previously approved by the board;

306 (ii) in an amount no greater than the amount authorized; and

307 (iii) approved by the executive director or other officer or deputy as the board  
308 prescribes;

309 (c) in consultation with the local advisory council created in Section 17B-2a-808.2:

310 (i) hold public hearings and subpoena witnesses; and

311 (ii) appoint district officers to conduct a hearing and require the officers to make  
312 findings and conclusions and report them to the board; and

313 (d) appoint a custodian for the funds and securities under its control, subject to  
314 Subsection (2)(n).

315 ~~[(4) For a large public transit district in existence as of May 8, 2018, on or before~~  
316 ~~September 30, 2019, the board of trustees of a large public transit district shall present a report~~  
317 ~~to the Transportation Interim Committee regarding retirement benefits of the district,~~  
318 ~~including:]~~

319 ~~[(a) the feasibility of becoming a participating employer and having retirement benefits~~  
320 ~~of eligible employees and officials covered in applicable systems and plans administered under~~  
321 ~~Title 49, Utah State Retirement and Insurance Benefit Act;]~~

322 ~~[(b) any legal or contractual restrictions on any employees that are party to a~~  
323 ~~collectively bargained retirement plan; and]~~

324 ~~[(c) a comparison of retirement plans offered by the large public transit district and~~  
325 ~~similarly situated public employees, including the costs of each plan and the value of the~~  
326 ~~benefit offered.]~~

327 ~~[(5)]~~ (4) The board of trustees may not issue a bond unless the board of trustees has  
328 consulted and received approval from the State Finance Review Commission created in Section  
329 63C-25-201.

330 ~~[(6)]~~ (5) A member of the board of trustees of a large public transit district or a hearing  
331 officer designated by the board may administer oaths and affirmations in a district investigation  
332 or proceeding.

333 ~~[(7)]~~ (6) (a) The vote of the board of trustees on each ordinance or resolution shall be  
334 by roll call vote with each affirmative and negative vote recorded.

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

337 (c) Each ordinance adopted by a large public transit district's board of trustees shall

338 take effect upon adoption, unless the ordinance provides otherwise.

339 ~~[(8)(a) For a large public transit district in existence on May 8, 2018, for the budget~~  
340 ~~for calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual~~  
341 ~~budget.]~~

342 ~~[(b) The budget described in Subsection (8)(a) shall include setting the salary of each~~  
343 ~~of the members of the board of trustees that will assume control on or before November 1,~~  
344 ~~2018, which salary may not exceed \$150,000, plus additional retirement and other standard~~  
345 ~~benefits, as set by the local advisory council as described in Section [17B-2a-808.2](#).]~~

346 ~~[(c) For a large public transit district in existence on May 8, 2018, the board of trustees~~  
347 ~~that assumes control of the large public transit district on or before November 2, 2018, shall~~  
348 ~~approve the calendar year 2019 budget on or before December 31, 2018.]~~

349 Section 4. Section **17B-2a-808.2** is amended to read:

350 **17B-2a-808.2. Large public transit district local advisory council -- Powers and**  
351 **duties.**

352 (1) A large public transit district shall create and consult with a local advisory council.

353 (2) (a) (i) For a large public transit district in existence as of January 1, 2019, the local  
354 advisory council shall have membership selected as described in Subsection (2)(b).

355 (ii) (A) For a large public transit district created after January 1, 2019, the political  
356 subdivision or subdivisions forming the large public transit district shall submit to the  
357 Legislature for approval a proposal for the appointments to the local advisory council of the  
358 large public transit district similar to the appointment process described in Subsection (2)(b).

359 (B) Upon approval of the Legislature, each nominating individual or body shall appoint  
360 individuals to the local advisory council.

361 (b) (i) The council of governments of Salt Lake County shall appoint three members to  
362 the local advisory council.

363 (ii) The mayor of Salt Lake City shall appoint one member to the local advisory  
364 council.

365 (iii) The council of governments of Utah County shall appoint two members to the  
366 local advisory council.

367 (iv) The council of governments of Davis County and Weber County shall each appoint  
368 one member to the local advisory council.

369 (v) The councils of governments of Box Elder County and Tooele County shall jointly  
370 appoint one member to the local advisory council.

371 (3) The local advisory council shall meet at least quarterly in a meeting open to the  
372 public for comment to discuss the service, operations, and any concerns with the public transit  
373 district operations and functionality.

374 (4) (a) The duties of the local advisory council shall include:

375 (i) setting the compensation packages of the board of trustees, which salary, except as  
376 provided in Subsection (4)(b), may not exceed \$150,000 for a newly appointed board member,  
377 plus additional retirement and other standard benefits;

378 (ii) reviewing, approving, and recommending final adoption by the board of trustees of  
379 the large public transit district service plans at least every two and one-half years;

380 (iii) except for a fixed guideway capital development project under the authority of the  
381 Department of Transportation as described in Section [~~72-1-202~~] 72-1-203, reviewing,  
382 approving, and recommending final adoption by the board of trustees of project development  
383 plans, including funding, of all new capital development projects;

384 (iv) reviewing, approving, and recommending final adoption by the board of trustees of  
385 any plan for a transit-oriented development where a large public transit district is involved;

386 (v) at least annually, engaging with the safety and security team of the large public  
387 transit district to ensure coordination with local municipalities and counties;

388 (vi) assisting with coordinated mobility and constituent services provided by the public  
389 transit district;

390 (vii) representing and advocating the concerns of citizens within the public transit  
391 district to the board of trustees; and

392 (viii) other duties described in Section 17B-2a-808.1.

393 (b) The local advisory council may approve an increase in the compensation for  
394 members of the board of trustees based on a cost-of-living adjustment at the same rate as  
395 government employees of the state for the same year.

396 (5) The local advisory council shall meet at least quarterly with and consult with the  
397 board of trustees and advise regarding the operation and management of the public transit  
398 district.

399 Section 5. Section **17B-2a-810.1** is amended to read:

400           **17B-2a-810.1. Attorney general as legal counsel for a large public transit district**  
401 **-- Large public transit district may sue and be sued.**

402           (1) [~~Subject to Subsection (2), in~~] In accordance with Title 67, Chapter 5, Attorney  
403 General, the Utah attorney general shall serve as legal counsel for a large public transit district.

404           ~~[(2) (a) For any large public transit district in existence as of May 8, 2018, the~~  
405 ~~transition to legal representation by the Utah attorney general shall occur as described in this~~  
406 ~~Subsection (2), but no later than July 1, 2019.]~~

407           ~~[(b) (i) For any large public transit district in existence as of May 8, 2018, in~~  
408 ~~partnership with the Utah attorney general, the board of trustees of the large public transit~~  
409 ~~district shall study and develop a strategy to transition legal representation from a general~~  
410 ~~counsel to the Utah attorney general.]~~

411           ~~[(ii) In partnership with the Utah attorney general, the board of trustees of the large~~  
412 ~~public transit district shall present a report to the Transportation Interim Committee before~~  
413 ~~November 30, 2018, to:]~~

414           ~~[(A) outline the transition strategy, and]~~

415           ~~[(B) request any legislation that might be required for the transition.]~~

416           ~~[(3)]~~ (2) Sections [67-5-6](#) through ~~[13, Attorney General Career Service Act,]~~ [67-5-13](#)  
417 apply to representation of a large public transit district by the Utah attorney general.

418           ~~[(4)]~~ (3) A large public transit district may sue, and it may be sued only on written  
419 contracts made by it or under its authority.

420           ~~[(5)]~~ (4) In all matters requiring legal advice in the performance of the attorney  
421 general's duties and in the prosecution or defense of any action growing out of the performance  
422 of the attorney general's duties, the attorney general is the legal adviser of a large public transit  
423 district and shall perform any and all legal services required by the large public transit district.

424           ~~[(6)]~~ (5) The attorney general shall aid in any investigation, hearing, or trial under the  
425 provisions of this part and institute and prosecute actions or proceedings for the enforcement of  
426 the provisions of the Constitution and statutes of this state or any rule or ordinance of the large  
427 public transit district affecting and related to public transit, persons, and property.

428           Section 6. Section **41-1a-1201** is amended to read:

429           **41-1a-1201. Disposition of fees.**

430           (1) All fees received and collected under this part shall be transmitted daily to the state

431 treasurer.

432 (2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections  
433 41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees  
434 collected under this part shall be deposited into the Transportation Fund.

435 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), (7), and (9), and  
436 Section 41-1a-1212 shall be deposited into the License Plate Restricted Account created in  
437 Section 41-1a-122.

438 (4) (a) Except as provided in Subsections (3) and (4)(b) and Section 41-1a-1205, the  
439 expenses of the commission in enforcing and administering this part shall be provided for by  
440 legislative appropriation from the revenues of the Transportation Fund.

441 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)  
442 and (b) for each vehicle registered for a six-month registration period under Section  
443 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and  
444 administering this part.

445 (c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for  
446 each vintage vehicle that has a model year of [~~1981~~] 1983 or newer may be used by the  
447 commission to cover the costs incurred in enforcing and administering this part.

448 (5) (a) The following portions of the registration fees imposed under Section  
449 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of  
450 2005 created in Section 72-2-124:

451 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),  
452 (1)(f), (4), and (7);

453 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and  
454 (1)(c)(ii);

455 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

456 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

457 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

458 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

459 (b) The following portions of the registration fees collected for each vehicle registered  
460 for a six-month registration period under Section 41-1a-215.5 shall be deposited into the  
461 Transportation Investment Fund of 2005 created in Section 72-2-124:

462 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and

463 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

464 (6) (a) Ninety-four cents of each registration fee imposed under Subsections  
465 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted  
466 Account created in Section 53-3-106.

467 (b) Seventy-one cents of each registration fee imposed under Subsections  
468 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under  
469 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in  
470 Section 53-3-106.

471 (7) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)  
472 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted  
473 Account created in Section 53-8-214.

474 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)  
475 and (b) for each vehicle registered for a six-month registration period under Section  
476 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account  
477 created in Section 53-8-214.

478 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for  
479 each motorcycle shall be deposited into the Neuro-Rehabilitation Fund created in Section  
480 26B-1-319.

481 (9) (a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each  
482 registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural  
483 Transportation Infrastructure Fund created in Section 72-2-133.

484 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described  
485 in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the previous  
486 year and adding an amount equal to the greater of:

487 (i) an amount calculated by multiplying the amount deposited by the previous year by  
488 the actual percentage change during the previous fiscal year in the Consumer Price Index; and

489 (ii) 0.

490 (c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the  
491 nearest 1 cent.

492 Section 7. Section 41-6a-201 is amended to read:



493 **41-6a-201. Chapter relates to vehicles on highways -- Exceptions.**

494 The provisions of this chapter relating to the operation of vehicles refer exclusively to  
495 the operation of vehicles upon highways, except:

496 (1) when a different place is specifically identified; [or]

497 (2) under the provisions of Section 41-6a-210, Part 4, Accident Responsibilities, and  
498 Part 5, Driving Under the Influence and Reckless Driving, which apply upon highways and  
499 elsewhere throughout the state[-]; or

500 (3) on private roads within the confines of a campus of a private institution of higher  
501 education that has a certified private law enforcement agency, as authorized by Subsection  
502 53-19-202(1)(b).

503 Section 8. Section 41-22-2 is amended to read:

504 **41-22-2. Definitions.**

505 As used in this chapter:

506 (1) "Advisory council" means an advisory council appointed by the Division of  
507 Outdoor Recreation that has within the advisory council's duties advising on policies related to  
508 the use of off-highway vehicles.

509 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,  
510 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure  
511 tires, having a seat designed to be straddled by the operator, and designed for or capable of  
512 travel over unimproved terrain.

513 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,  
514 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a  
515 rollover protection system, and designed for or capable of travel over unimproved terrain, and  
516 is:

517 (i) an electric-powered vehicle; or

518 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight  
519 of 3,500 pounds or less.

520 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to  
521 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
522 farm tractors as defined under Section 41-1a-102.

523 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in

524 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

525 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to  
526 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
527 farm tractors as defined under Section [41-1a-102](#).

528 (5) "Commission" means the Outdoor Adventure Commission.

529 (6) "Cross-country" means across natural terrain and off an existing highway, road,  
530 route, or trail.

531 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at  
532 wholesale or retail.

533 (8) "Division" means the Division of Outdoor Recreation.

534 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed  
535 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of  
536 10 pounds per square inch or less as recommended by the vehicle manufacturer.

537 (10) "Manufacturer" means a person engaged in the business of manufacturing  
538 off-highway vehicles.

539 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

540 (b) "Motor vehicle" includes an off-highway vehicle.

541 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the  
542 operator and designed to travel on not more than two tires.

543 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,  
544 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by  
545 the owner or the owner's agent for agricultural operations.

546 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,  
547 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

548 (15) "Operate" means to control the movement of or otherwise use an off-highway  
549 vehicle.

550 (16) "Operator" means the person who is in actual physical control of an off-highway  
551 vehicle.

552 (17) "Organized user group" means an off-highway vehicle organization incorporated  
553 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit  
554 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

555 (18) "Owner" means a person, other than a person with a security interest, having a  
556 property interest or title to an off-highway vehicle and entitled to the use and possession of that  
557 vehicle.

558 (19) "Public land" means land owned or administered by any federal or state agency or  
559 any political subdivision of the state.

560 (20) "Register" means the act of assigning a registration number to an off-highway  
561 vehicle.

562 (21) "Roadway" is used as defined in Section 41-6a-102.

563 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and  
564 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires,  
565 and equipped with a saddle for the use of the rider.

566 (23) "Street or highway" means the entire width between boundary lines of every way  
567 or place of whatever nature, when any part of it is open to the use of the public for vehicular  
568 travel.

569 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as  
570 defined in Section 41-6a-102.

571 Section 9. Section 59-12-103 (**Contingently Superseded 01/01/25**) is amended to  
572 read:

573 **59-12-103 (Contingently Superseded 01/01/25). Sales and use tax base -- Rates --**  
574 **Effective dates -- Use of sales and use tax revenues.**

575 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or  
576 sales price for amounts paid or charged for the following transactions:

577 (a) retail sales of tangible personal property made within the state;

578 (b) amounts paid for:

579 (i) telecommunications service, other than mobile telecommunications service, that  
580 originates and terminates within the boundaries of this state;

581 (ii) mobile telecommunications service that originates and terminates within the  
582 boundaries of one state only to the extent permitted by the Mobile Telecommunications

583 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

584 (iii) an ancillary service associated with a:

585 (A) telecommunications service described in Subsection (1)(b)(i); or

- 586 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 587 (c) sales of the following for commercial use:
  - 588 (i) gas;
  - 589 (ii) electricity;
  - 590 (iii) heat;
  - 591 (iv) coal;
  - 592 (v) fuel oil; or
  - 593 (vi) other fuels;
- 594 (d) sales of the following for residential use:
  - 595 (i) gas;
  - 596 (ii) electricity;
  - 597 (iii) heat;
  - 598 (iv) coal;
  - 599 (v) fuel oil; or
  - 600 (vi) other fuels;
- 601 (e) sales of prepared food;
- 602 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
- 603 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 604 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 605 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 606 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 607 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 608 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 609 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 610 exhibition, cultural, or athletic activity;
- 611 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 612 property, unless Section [59-12-104](#) provides for an exemption from sales and use tax for:
  - 613 (i) the tangible personal property; and
  - 614 (ii) parts used in the repairs or renovations of the tangible personal property described
  - 615 in Subsection (1)(g)(i), regardless of whether:
  - 616 (A) any parts are actually used in the repairs or renovations of that tangible personal

617 property; or

618 (B) the particular parts used in the repairs or renovations of that tangible personal  
619 property are exempt from a tax under this chapter;

620 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for  
621 assisted cleaning or washing of tangible personal property;

622 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court  
623 accommodations and services that are regularly rented for less than 30 consecutive days;

624 (j) amounts paid or charged for laundry or dry cleaning services;

625 (k) amounts paid or charged for leases or rentals of tangible personal property if within  
626 this state the tangible personal property is:

627 (i) stored;

628 (ii) used; or

629 (iii) otherwise consumed;

630 (l) amounts paid or charged for tangible personal property if within this state the  
631 tangible personal property is:

632 (i) stored;

633 (ii) used; or

634 (iii) consumed;

635 (m) amounts paid or charged for a sale:

636 (i) (A) of a product transferred electronically; or

637 (B) of a repair or renovation of a product transferred electronically; and

638 (ii) regardless of whether the sale provides:

639 (A) a right of permanent use of the product; or

640 (B) a right to use the product that is less than a permanent use, including a right:

641 (I) for a definite or specified length of time; and

642 (II) that terminates upon the occurrence of a condition; and

643 (n) sales of leased tangible personal property from the lessor to the lessee made in the  
644 state.

645 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax  
646 are imposed on a transaction described in Subsection (1) equal to the sum of:

647 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

648 (A) 4.70% plus the rate specified in Subsection (11)(a); and

649 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
650 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
651 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
652 State Sales and Use Tax Act; and

653 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
654 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
655 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
656 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

657 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
658 transaction under this chapter other than this part.

659 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a  
660 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to  
661 the sum of:

662 (i) a state tax imposed on the transaction at a tax rate of 2%; and

663 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
664 transaction under this chapter other than this part.

665 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are  
666 imposed on amounts paid or charged for food and food ingredients equal to the sum of:

667 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
668 a tax rate of 1.75%; and

669 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
670 amounts paid or charged for food and food ingredients under this chapter other than this part.

671 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts  
672 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at  
673 a rate of 4.85%.

674 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed  
675 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax  
676 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a  
677 shared vehicle driver, or a shared vehicle owner.

678 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is

679 required once during the time that the shared vehicle owner owns the shared vehicle.

680 (C) The commission shall verify that a shared vehicle is an individual-owned shared  
681 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the  
682 purchase of the shared vehicle.

683 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified  
684 individual-owned shared vehicle shared through a car-sharing program even if non-certified  
685 shared vehicles are also available to be shared through the same car-sharing program.

686 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

687 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's  
688 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
689 commission as described in Subsection (2)(e)(i).

690 (B) If a car-sharing program relies in good faith on a shared vehicle owner's  
691 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
692 commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any  
693 tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

694 (iv) If all shared vehicles shared through a car-sharing program are certified as  
695 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation  
696 to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

697 (v) [~~(A)~~] A car-sharing program is not required to list or otherwise identify an  
698 individual-owned shared vehicle on a return or an attachment to a return.

699 (vi) A car-sharing program shall:

700 (A) retain tax information for each car-sharing program transaction; and

701 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at  
702 the commission's request.

703 (f) (i) For a bundled transaction that is attributable to food and food ingredients and  
704 tangible personal property other than food and food ingredients, a state tax and a local tax is  
705 imposed on the entire bundled transaction equal to the sum of:

706 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

707 (I) the tax rate described in Subsection (2)(a)(i)(A); and

708 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
709 Sales and Use Tax Act, if the location of the transaction as determined under Sections

710 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
711 Additional State Sales and Use Tax Act; and

712 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
713 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
714 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
715 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

716 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates  
717 described in Subsection (2)(a)(ii).

718 (ii) If an optional computer software maintenance contract is a bundled transaction that  
719 consists of taxable and nontaxable products that are not separately itemized on an invoice or  
720 similar billing document, the purchase of the optional computer software maintenance contract  
721 is 40% taxable under this chapter and 60% nontaxable under this chapter.

722 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled  
723 transaction described in Subsection (2)(f)(i) or (ii):

724 (A) if the sales price of the bundled transaction is attributable to tangible personal  
725 property, a product, or a service that is subject to taxation under this chapter and tangible  
726 personal property, a product, or service that is not subject to taxation under this chapter, the  
727 entire bundled transaction is subject to taxation under this chapter unless:

728 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
729 personal property, product, or service that is not subject to taxation under this chapter from the  
730 books and records the seller keeps in the seller's regular course of business; or

731 (II) state or federal law provides otherwise; or

732 (B) if the sales price of a bundled transaction is attributable to two or more items of  
733 tangible personal property, products, or services that are subject to taxation under this chapter  
734 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
735 higher tax rate unless:

736 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
737 personal property, product, or service that is subject to taxation under this chapter at the lower  
738 tax rate from the books and records the seller keeps in the seller's regular course of business; or

739 (II) state or federal law provides otherwise.

740 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the



741 seller's regular course of business includes books and records the seller keeps in the regular  
742 course of business for nontax purposes.

743 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)  
744 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
745 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
746 of tangible personal property, other property, a product, or a service that is not subject to  
747 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless  
748 the seller, at the time of the transaction:

749 (A) separately states the portion of the transaction that is not subject to taxation under  
750 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

751 (B) is able to identify by reasonable and verifiable standards, from the books and  
752 records the seller keeps in the seller's regular course of business, the portion of the transaction  
753 that is not subject to taxation under this chapter.

754 (ii) A purchaser and a seller may correct the taxability of a transaction if:

755 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
756 the transaction that is not subject to taxation under this chapter was not separately stated on an  
757 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
758 ignorance of the law; and

759 (B) the seller is able to identify by reasonable and verifiable standards, from the books  
760 and records the seller keeps in the seller's regular course of business, the portion of the  
761 transaction that is not subject to taxation under this chapter.

762 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps  
763 in the seller's regular course of business includes books and records the seller keeps in the  
764 regular course of business for nontax purposes.

765 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible  
766 personal property, products, or services that are subject to taxation under this chapter at  
767 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate  
768 unless the seller, at the time of the transaction:

769 (A) separately states the items subject to taxation under this chapter at each of the  
770 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

771 (B) is able to identify by reasonable and verifiable standards the tangible personal

772 property, product, or service that is subject to taxation under this chapter at the lower tax rate  
773 from the books and records the seller keeps in the seller's regular course of business.

774 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the  
775 seller's regular course of business includes books and records the seller keeps in the regular  
776 course of business for nontax purposes.

777 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax  
778 rate imposed under the following shall take effect on the first day of a calendar quarter:

- 779 (i) Subsection (2)(a)(i)(A);
- 780 (ii) Subsection (2)(b)(i);
- 781 (iii) Subsection (2)(c)(i); or
- 782 (iv) Subsection (2)(f)(i)(A)(I).

783 (j) (i) A tax rate increase takes effect on the first day of the first billing period that  
784 begins on or after the effective date of the tax rate increase if the billing period for the  
785 transaction begins before the effective date of a tax rate increase imposed under:

- 786 (A) Subsection (2)(a)(i)(A);
- 787 (B) Subsection (2)(b)(i);
- 788 (C) Subsection (2)(c)(i); or
- 789 (D) Subsection (2)(f)(i)(A)(I).

790 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
791 statement for the billing period is rendered on or after the effective date of the repeal of the tax  
792 or the tax rate decrease imposed under:

- 793 (A) Subsection (2)(a)(i)(A);
- 794 (B) Subsection (2)(b)(i);
- 795 (C) Subsection (2)(c)(i); or
- 796 (D) Subsection (2)(f)(i)(A)(I).

797 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale  
798 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal  
799 or change in a tax rate takes effect:

- 800 (A) on the first day of a calendar quarter; and
- 801 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

802 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

803 (A) Subsection (2)(a)(i)(A);

804 (B) Subsection (2)(b)(i);

805 (C) Subsection (2)(c)(i); or

806 (D) Subsection (2)(f)(i)(A)(I).

807 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
808 the commission may by rule define the term "catalogue sale."

809 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine  
810 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the  
811 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

812 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,  
813 or other fuel is furnished through a single meter for two or more of the following uses:

814 (A) a commercial use;

815 (B) an industrial use; or

816 (C) a residential use.

817 (3) (a) The following state taxes shall be deposited into the General Fund:

818 (i) the tax imposed by Subsection (2)(a)(i)(A);

819 (ii) the tax imposed by Subsection (2)(b)(i);

820 (iii) the tax imposed by Subsection (2)(c)(i); and

821 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

822 (b) The following local taxes shall be distributed to a county, city, or town as provided  
823 in this chapter:

824 (i) the tax imposed by Subsection (2)(a)(ii);

825 (ii) the tax imposed by Subsection (2)(b)(ii);

826 (iii) the tax imposed by Subsection (2)(c)(ii); and

827 (iv) the tax imposed by Subsection (2)(f)(i)(B).

828 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General  
829 Fund.

830 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
831 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)  
832 through (g):

833 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

- 834 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and  
835 (B) for the fiscal year; or  
836 (ii) \$17,500,000.
- 837 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount  
838 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax  
839 revenue to the Department of Natural Resources to:
- 840 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to  
841 protect sensitive plant and animal species; or  
842 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
843 act, to political subdivisions of the state to implement the measures described in Subsections  
844 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.
- 845 (ii) Money transferred to the Department of Natural Resources under Subsection  
846 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
847 person to list or attempt to have listed a species as threatened or endangered under the  
848 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.
- 849 (iii) At the end of each fiscal year:
- 850 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the  
851 Water Resources Conservation and Development Fund created in Section 73-10-24;  
852 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
853 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and  
854 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
855 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 856 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
857 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund  
858 created in Section 4-18-106.
- 859 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
860 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to  
861 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for  
862 the adjudication of water rights.
- 863 (ii) At the end of each fiscal year:
- 864 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the

865 Water Resources Conservation and Development Fund created in Section 73-10-24;

866 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the

867 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

868 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the

869 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

870 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described

871 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and

872 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

873 (ii) In addition to the uses allowed of the Water Resources Conservation and

874 Development Fund under Section 73-10-24, the Water Resources Conservation and

875 Development Fund may also be used to:

876 (A) conduct hydrologic and geotechnical investigations by the Division of Water

877 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of

878 quantifying surface and ground water resources and describing the hydrologic systems of an

879 area in sufficient detail so as to enable local and state resource managers to plan for and

880 accommodate growth in water use without jeopardizing the resource;

881 (B) fund state required dam safety improvements; and

882 (C) protect the state's interest in interstate water compact allocations, including the

883 hiring of technical and legal staff.

884 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described

885 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount

886 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

887 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described

888 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount

889 created in Section 73-10c-5 for use by the Division of Drinking Water to:

890 (i) provide for the installation and repair of collection, treatment, storage, and

891 distribution facilities for any public water system, as defined in Section 19-4-102;

892 (ii) develop underground sources of water, including springs and wells; and

893 (iii) develop surface water sources.

894 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,

895 2006, the difference between the following amounts shall be expended as provided in this

896 Subsection (5), if that difference is greater than \$1:  
897       (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
898 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and  
899       (ii) \$17,500,000.

900       (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:  
901           (A) transferred each fiscal year to the Department of Natural Resources as designated  
902 sales and use tax revenue; and  
903           (B) expended by the Department of Natural Resources for watershed rehabilitation or  
904 restoration.

905       (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
906 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation  
907 and Development Fund created in Section 73-10-24.

908       (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
909 remaining difference described in Subsection (5)(a) shall be:  
910           (A) transferred each fiscal year to the Division of Water Resources as designated sales  
911 and use tax revenue; and  
912           (B) expended by the Division of Water Resources for cloud-seeding projects  
913 authorized by Title 73, Chapter 15, Modification of Weather.

914       (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
915 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation  
916 and Development Fund created in Section 73-10-24.

917       (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the  
918 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
919 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
920 Division of Water Resources for:  
921           (i) preconstruction costs:  
922               (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
923 26, Bear River Development Act; and  
924               (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
925 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;  
926           (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,

927 Chapter 26, Bear River Development Act;

928 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
929 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

930 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and  
931 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

932 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the  
933 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water  
934 Rights Restricted Account created by Section 73-2-1.6.

935 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),  
936 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account  
937 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the  
938 transactions described in Subsection (1) for the fiscal year.

939 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal  
940 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation  
941 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under  
942 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

943 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

944 (ii) the tax imposed by Subsection (2)(b)(i);

945 (iii) the tax imposed by Subsection (2)(c)(i); and

946 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

947 (b) (i) As used in this Subsection (7)(b):

948 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
949 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the  
950 previous fiscal year.

951 (B) "Combined amount" means the combined total amount of money deposited into the  
952 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

953 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
954 Investment Fund created in Subsection 72-2-124(10).

955 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that  
956 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iv).

957 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually

958 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by  
959 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood  
960 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
961 limit in Subsection (7)(b)(iii).

962 (iii) The commission shall annually deposit the amount described in Subsection  
963 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
964 for any single fiscal year of \$20,000,000.

965 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous  
966 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
967 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant  
968 revenue.

969 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,  
970 2023, the commission shall annually reduce the deposit into the Transportation Investment  
971 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

972 (A) the amount of revenue generated in the current fiscal year by the portion of taxes  
973 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described  
974 in Subsections (7)(a)(i) through (iv);

975 (B) the amount of revenue generated in the current fiscal year by registration fees  
976 designated under Section [41-1a-1201](#) to be deposited into the Transportation Investment Fund  
977 of 2005; and

978 (C) revenues transferred by the Division of Finance to the Transportation Investment  
979 Fund of 2005 in accordance with Section [72-2-106](#) in the current fiscal year.

980 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a  
981 given fiscal year.

982 (iii) The commission shall annually deposit the amount described in Subsection  
983 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection [72-2-124](#)(11).

984 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
985 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or  
986 after July 1, 2018, the commission shall annually deposit into the Transportation Investment  
987 Fund of 2005 created by Section [72-2-124](#) a portion of the taxes listed under Subsection (3)(a)  
988 in an amount equal to 3.68% of the revenues collected from the following taxes:



989 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

990 (ii) the tax imposed by Subsection (2)(b)(i);

991 (iii) the tax imposed by Subsection (2)(c)(i); and

992 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

993 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
994 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by  
995 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
996 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
997 or use in this state that exceeds 29.4 cents per gallon.

998 (c) The commission shall annually deposit the amount described in Subsection (8)(b)  
999 into the Transit Transportation Investment Fund created in Section [72-2-124](#).

1000 (d) (i) As used in this Subsection (8)(d):

1001 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
1002 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the  
1003 previous fiscal year.

1004 (B) "Combined amount" means the combined total amount of money deposited into the  
1005 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1006 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
1007 Investment Fund created in Subsection [72-2-124](#)(10).

1008 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that  
1009 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through  
1010 (iv).

1011 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1012 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by  
1013 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood  
1014 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1015 limit in Subsection (8)(d)(iii).

1016 (iii) The commission shall annually deposit the amount described in Subsection  
1017 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1018 for any single fiscal year of \$20,000,000.

1019 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous

1020 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1021 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant  
1022 revenue.

1023 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1024 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1025 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1026 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1027 fiscal year during which the commission receives notice under Section 63N-2-510 that  
1028 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission  
1029 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by  
1030 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in  
1031 Section 63N-2-512.

1032 (11) (a) The rate specified in this subsection is 0.15%.

1033 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year  
1034 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the  
1035 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax  
1036 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

1037 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1038 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit  
1039 solely for use of the Search and Rescue Financial Assistance Program created in, and expended  
1040 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1041 ~~[(13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~  
1042 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund~~  
1043 ~~of 2005 under Subsections (7) and (8) to the General Fund.]~~

1044 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~  
1045 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall~~  
1046 ~~transfer the total revenue deposited into the Transportation Investment Fund of 2005 under~~  
1047 ~~Subsections (7) and (8) during the fiscal year to the General Fund.]~~

1048 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,  
1049 beginning the first day of the calendar quarter one year after the sales and use tax boundary for  
1050 a housing and transit reinvestment zone is established, the commission, at least annually, shall

1051 transfer an amount equal to 15% of the sales and use tax increment within an established sales  
 1052 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation  
 1053 Investment Fund created in Section 72-2-124.

1054 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year  
 1055 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure  
 1056 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection  
 1057 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1058 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1059 (b) the tax imposed by Subsection (2)(b)(i);
- 1060 (c) the tax imposed by Subsection (2)(c)(i); and
- 1061 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

1062 Section 10. Section 59-12-103 (Contingently Effective 01/01/25) is amended to read:

1063 **59-12-103 (Contingently Effective 01/01/25). Sales and use tax base -- Rates --**  
 1064 **Effective dates -- Use of sales and use tax revenues.**

1065 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or  
 1066 sales price for amounts paid or charged for the following transactions:

- 1067 (a) retail sales of tangible personal property made within the state;
- 1068 (b) amounts paid for:
  - 1069 (i) telecommunications service, other than mobile telecommunications service, that  
 1070 originates and terminates within the boundaries of this state;
  - 1071 (ii) mobile telecommunications service that originates and terminates within the  
 1072 boundaries of one state only to the extent permitted by the Mobile Telecommunications  
 1073 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1074 (iii) an ancillary service associated with a:

- 1075 (A) telecommunications service described in Subsection (1)(b)(i); or
- 1076 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 1077 (c) sales of the following for commercial use:
  - 1078 (i) gas;
  - 1079 (ii) electricity;
  - 1080 (iii) heat;
  - 1081 (iv) coal;

- 1082 (v) fuel oil; or
- 1083 (vi) other fuels;
- 1084 (d) sales of the following for residential use:
- 1085 (i) gas;
- 1086 (ii) electricity;
- 1087 (iii) heat;
- 1088 (iv) coal;
- 1089 (v) fuel oil; or
- 1090 (vi) other fuels;
- 1091 (e) sales of prepared food;
- 1092 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
- 1093 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1094 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1095 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1096 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1097 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1098 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1099 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1100 exhibition, cultural, or athletic activity;
- 1101 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1102 property, unless Section [59-12-104](#) provides for an exemption from sales and use tax for:
- 1103 (i) the tangible personal property; and
- 1104 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1105 in Subsection (1)(g)(i), regardless of whether:
- 1106 (A) any parts are actually used in the repairs or renovations of that tangible personal
- 1107 property; or
- 1108 (B) the particular parts used in the repairs or renovations of that tangible personal
- 1109 property are exempt from a tax under this chapter;
- 1110 (h) except as provided in Subsection [59-12-104](#)(7), amounts paid or charged for
- 1111 assisted cleaning or washing of tangible personal property;
- 1112 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court

- 1113 accommodations and services that are regularly rented for less than 30 consecutive days;
- 1114 (j) amounts paid or charged for laundry or dry cleaning services;
- 1115 (k) amounts paid or charged for leases or rentals of tangible personal property if within
- 1116 this state the tangible personal property is:
- 1117 (i) stored;
- 1118 (ii) used; or
- 1119 (iii) otherwise consumed;
- 1120 (l) amounts paid or charged for tangible personal property if within this state the
- 1121 tangible personal property is:
- 1122 (i) stored;
- 1123 (ii) used; or
- 1124 (iii) consumed;
- 1125 (m) amounts paid or charged for a sale:
- 1126 (i) (A) of a product transferred electronically; or
- 1127 (B) of a repair or renovation of a product transferred electronically; and
- 1128 (ii) regardless of whether the sale provides:
- 1129 (A) a right of permanent use of the product; or
- 1130 (B) a right to use the product that is less than a permanent use, including a right:
- 1131 (I) for a definite or specified length of time; and
- 1132 (II) that terminates upon the occurrence of a condition; and
- 1133 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 1134 state.
- 1135 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
- 1136 are imposed on a transaction described in Subsection (1) equal to the sum of:
- 1137 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1138 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 1139 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
- 1140 and Use Tax Act, if the location of the transaction as determined under Sections [59-12-211](#)
- 1141 through [59-12-215](#) is in a county in which the state imposes the tax under Part 18, Additional
- 1142 State Sales and Use Tax Act; and
- 1143 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales

1144 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1145 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
1146 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1147 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1148 transaction under this chapter other than this part.

1149 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a  
1150 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to  
1151 the sum of:

1152 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1153 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1154 transaction under this chapter other than this part.

1155 (c) (i) Except as provided in Subsection (2)(f) or (g), a local tax is imposed on amounts  
1156 paid or charged for food and food ingredients equal to the sum of the tax rates a county, city, or  
1157 town imposes under this chapter on the amounts paid or charged for food or food ingredients.

1158 (ii) There is no state tax imposed on amounts paid or charged for food and food  
1159 ingredients.

1160 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts  
1161 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at  
1162 a rate of 4.85%.

1163 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed  
1164 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax  
1165 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a  
1166 shared vehicle driver, or a shared vehicle owner.

1167 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is  
1168 required once during the time that the shared vehicle owner owns the shared vehicle.

1169 (C) The commission shall verify that a shared vehicle is an individual-owned shared  
1170 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the  
1171 purchase of the shared vehicle.

1172 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified  
1173 individual-owned shared vehicle shared through a car-sharing program even if non-certified  
1174 shared vehicles are also available to be shared through the same car-sharing program.

1175 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

1176 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's  
1177 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
1178 commission as described in Subsection (2)(e)(i).

1179 (B) If a car-sharing program relies in good faith on a shared vehicle owner's  
1180 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
1181 commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any  
1182 tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

1183 (iv) If all shared vehicles shared through a car-sharing program are certified as  
1184 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation  
1185 to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

1186 (v) [~~(A)~~] A car-sharing program is not required to list or otherwise identify an  
1187 individual-owned shared vehicle on a return or an attachment to a return.

1188 (vi) A car-sharing program shall:

1189 (A) retain tax information for each car-sharing program transaction; and

1190 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at  
1191 the commission's request.

1192 (f) (i) For a bundled transaction that is attributable to food and food ingredients and  
1193 tangible personal property other than food and food ingredients, a state tax and a local tax is  
1194 imposed on the entire bundled transaction equal to the sum of:

1195 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1196 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1197 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
1198 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1199 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
1200 Additional State Sales and Use Tax Act; and

1201 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
1202 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1203 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
1204 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1205 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates

1206 described in Subsection (2)(a)(ii).

1207 (ii) If an optional computer software maintenance contract is a bundled transaction that  
1208 consists of taxable and nontaxable products that are not separately itemized on an invoice or  
1209 similar billing document, the purchase of the optional computer software maintenance contract  
1210 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1211 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled  
1212 transaction described in Subsection (2)(f)(i) or (ii):

1213 (A) if the sales price of the bundled transaction is attributable to tangible personal  
1214 property, a product, or a service that is subject to taxation under this chapter and tangible  
1215 personal property, a product, or service that is not subject to taxation under this chapter, the  
1216 entire bundled transaction is subject to taxation under this chapter unless:

1217 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1218 personal property, product, or service that is not subject to taxation under this chapter from the  
1219 books and records the seller keeps in the seller's regular course of business; or

1220 (II) state or federal law provides otherwise; or

1221 (B) if the sales price of a bundled transaction is attributable to two or more items of  
1222 tangible personal property, products, or services that are subject to taxation under this chapter  
1223 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
1224 higher tax rate unless:

1225 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1226 personal property, product, or service that is subject to taxation under this chapter at the lower  
1227 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1228 (II) state or federal law provides otherwise.

1229 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the  
1230 seller's regular course of business includes books and records the seller keeps in the regular  
1231 course of business for nontax purposes.

1232 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)  
1233 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
1234 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
1235 of tangible personal property, other property, a product, or a service that is not subject to  
1236 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless



1237 the seller, at the time of the transaction:

1238 (A) separately states the portion of the transaction that is not subject to taxation under  
1239 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1240 (B) is able to identify by reasonable and verifiable standards, from the books and  
1241 records the seller keeps in the seller's regular course of business, the portion of the transaction  
1242 that is not subject to taxation under this chapter.

1243 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1244 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
1245 the transaction that is not subject to taxation under this chapter was not separately stated on an  
1246 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
1247 ignorance of the law; and

1248 (B) the seller is able to identify by reasonable and verifiable standards, from the books  
1249 and records the seller keeps in the seller's regular course of business, the portion of the  
1250 transaction that is not subject to taxation under this chapter.

1251 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps  
1252 in the seller's regular course of business includes books and records the seller keeps in the  
1253 regular course of business for nontax purposes.

1254 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible  
1255 personal property, products, or services that are subject to taxation under this chapter at  
1256 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate  
1257 unless the seller, at the time of the transaction:

1258 (A) separately states the items subject to taxation under this chapter at each of the  
1259 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1260 (B) is able to identify by reasonable and verifiable standards the tangible personal  
1261 property, product, or service that is subject to taxation under this chapter at the lower tax rate  
1262 from the books and records the seller keeps in the seller's regular course of business.

1263 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the  
1264 seller's regular course of business includes books and records the seller keeps in the regular  
1265 course of business for nontax purposes.

1266 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax  
1267 rate imposed under the following shall take effect on the first day of a calendar quarter:

- 1268 (i) Subsection (2)(a)(i)(A);
- 1269 (ii) Subsection (2)(b)(i); or
- 1270 (iii) Subsection (2)(f)(i)(A)(I).
- 1271 (j) (i) A tax rate increase takes effect on the first day of the first billing period that
- 1272 begins on or after the effective date of the tax rate increase if the billing period for the
- 1273 transaction begins before the effective date of a tax rate increase imposed under:
  - 1274 (A) Subsection (2)(a)(i)(A);
  - 1275 (B) Subsection (2)(b)(i); or
  - 1276 (C) Subsection (2)(f)(i)(A)(I).
- 1277 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
- 1278 statement for the billing period is rendered on or after the effective date of the repeal of the tax
- 1279 or the tax rate decrease imposed under:
  - 1280 (A) Subsection (2)(a)(i)(A);
  - 1281 (B) Subsection (2)(b)(i); or
  - 1282 (C) Subsection (2)(f)(i)(A)(I).
- 1283 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
- 1284 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
- 1285 or change in a tax rate takes effect:
  - 1286 (A) on the first day of a calendar quarter; and
  - 1287 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1288 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
  - 1289 (A) Subsection (2)(a)(i)(A);
  - 1290 (B) Subsection (2)(b)(i); or
  - 1291 (C) Subsection (2)(f)(i)(A)(I).
- 1292 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1293 the commission may by rule define the term "catalogue sale."
  - 1294 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine
  - 1295 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
  - 1296 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
  - 1297 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
  - 1298 or other fuel is furnished through a single meter for two or more of the following uses:

- 1299 (A) a commercial use;
- 1300 (B) an industrial use; or
- 1301 (C) a residential use.
- 1302 (3) (a) The following state taxes shall be deposited into the General Fund:
- 1303 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1304 (ii) the tax imposed by Subsection (2)(b)(i); and
- 1305 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1306 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1307 in this chapter:
- 1308 (i) the tax imposed by Subsection (2)(a)(ii);
- 1309 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1310 (iii) the tax imposed by Subsection (2)(c); and
- 1311 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1312 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General
- 1313 Fund.
- 1314 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1315 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
- 1316 through (g):
- 1317 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1318 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1319 (B) for the fiscal year; or
- 1320 (ii) \$17,500,000.
- 1321 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
- 1322 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax
- 1323 revenue to the Department of Natural Resources to:
- 1324 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
- 1325 protect sensitive plant and animal species; or
- 1326 (B) award grants, up to the amount authorized by the Legislature in an appropriations
- 1327 act, to political subdivisions of the state to implement the measures described in Subsections
- 1328 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.
- 1329 (ii) Money transferred to the Department of Natural Resources under Subsection

1330 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
1331 person to list or attempt to have listed a species as threatened or endangered under the  
1332 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1333 (iii) At the end of each fiscal year:

1334 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the  
1335 Water Resources Conservation and Development Fund created in Section 73-10-24;

1336 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1337 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1338 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1339 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1340 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
1341 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund  
1342 created in Section 4-18-106.

1343 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
1344 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to  
1345 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for  
1346 the adjudication of water rights.

1347 (ii) At the end of each fiscal year:

1348 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the  
1349 Water Resources Conservation and Development Fund created in Section 73-10-24;

1350 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1351 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1352 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1353 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1354 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described  
1355 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and  
1356 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1357 (ii) In addition to the uses allowed of the Water Resources Conservation and  
1358 Development Fund under Section 73-10-24, the Water Resources Conservation and  
1359 Development Fund may also be used to:

1360 (A) conduct hydrologic and geotechnical investigations by the Division of Water

1361 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of  
1362 quantifying surface and ground water resources and describing the hydrologic systems of an  
1363 area in sufficient detail so as to enable local and state resource managers to plan for and  
1364 accommodate growth in water use without jeopardizing the resource;

1365 (B) fund state required dam safety improvements; and

1366 (C) protect the state's interest in interstate water compact allocations, including the  
1367 hiring of technical and legal staff.

1368 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1369 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount  
1370 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1371 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1372 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount  
1373 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1374 (i) provide for the installation and repair of collection, treatment, storage, and  
1375 distribution facilities for any public water system, as defined in Section 19-4-102;

1376 (ii) develop underground sources of water, including springs and wells; and

1377 (iii) develop surface water sources.

1378 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1379 2006, the difference between the following amounts shall be expended as provided in this  
1380 Subsection (5), if that difference is greater than \$1:

1381 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
1382 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1383 (ii) \$17,500,000.

1384 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1385 (A) transferred each fiscal year to the Department of Natural Resources as designated  
1386 sales and use tax revenue; and

1387 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
1388 restoration.

1389 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
1390 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation  
1391 and Development Fund created in Section 73-10-24.

1392 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
1393 remaining difference described in Subsection (5)(a) shall be:

1394 (A) transferred each fiscal year to the Division of Water Resources as designated sales  
1395 and use tax revenue; and

1396 (B) expended by the Division of Water Resources for cloud-seeding projects  
1397 authorized by Title 73, Chapter 15, Modification of Weather.

1398 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
1399 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation  
1400 and Development Fund created in Section 73-10-24.

1401 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the  
1402 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
1403 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
1404 Division of Water Resources for:

1405 (i) preconstruction costs:

1406 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
1407 26, Bear River Development Act; and

1408 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
1409 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1410 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,  
1411 Chapter 26, Bear River Development Act;

1412 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
1413 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1414 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and  
1415 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1416 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the  
1417 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water  
1418 Rights Restricted Account created by Section 73-2-1.6.

1419 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),  
1420 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account  
1421 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the  
1422 transactions described in Subsection (1) for the fiscal year.

1423 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal  
1424 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation  
1425 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under  
1426 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

1427 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1428 (ii) the tax imposed by Subsection (2)(b)(i); and

1429 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1430 (b) (i) As used in this Subsection (7)(b):

1431 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
1432 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the  
1433 previous fiscal year.

1434 (B) "Combined amount" means the combined total amount of money deposited into the  
1435 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1436 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
1437 Investment Fund created in Subsection 72-2-124(10).

1438 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that  
1439 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iii).

1440 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1441 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by  
1442 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood  
1443 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1444 limit in Subsection (7)(b)(iii).

1445 (iii) The commission shall annually deposit the amount described in Subsection  
1446 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1447 for any single fiscal year of \$20,000,000.

1448 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous  
1449 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1450 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant  
1451 revenue.

1452 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,  
1453 2023, the commission shall annually reduce the deposit into the Transportation Investment

1454 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:  
1455 (A) the amount of revenue generated in the current fiscal year by the portion of taxes  
1456 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described  
1457 in Subsections (7)(a)(i) through (iv);  
1458 (B) the amount of revenue generated in the current fiscal year by registration fees  
1459 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund  
1460 of 2005; and  
1461 (C) revenues transferred by the Division of Finance to the Transportation Investment  
1462 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.  
1463 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a  
1464 given fiscal year.  
1465 (iii) The commission shall annually deposit the amount described in Subsection  
1466 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).  
1467 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
1468 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or  
1469 after July 1, 2018, the commission shall annually deposit into the Transportation Investment  
1470 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)  
1471 in an amount equal to 3.68% of the revenues collected from the following taxes:  
1472 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;  
1473 (ii) the tax imposed by Subsection (2)(b)(i); and  
1474 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).  
1475 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
1476 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by  
1477 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
1478 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
1479 or use in this state that exceeds 29.4 cents per gallon.  
1480 (c) The commission shall annually deposit the amount described in Subsection (8)(b)  
1481 into the Transit Transportation Investment Fund created in Section 72-2-124.  
1482 (d) (i) As used in this Subsection (8)(d):  
1483 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
1484 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the



1485 previous fiscal year.

1486 (B) "Combined amount" means the combined total amount of money deposited into the  
1487 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1488 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
1489 Investment Fund created in Subsection [72-2-124](#)(10).

1490 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that  
1491 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through  
1492 (iii).

1493 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1494 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by  
1495 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood  
1496 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1497 limit in Subsection (8)(d)(iii).

1498 (iii) The commission shall annually deposit the amount described in Subsection  
1499 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1500 for any single fiscal year of \$20,000,000.

1501 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous  
1502 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1503 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant  
1504 revenue.

1505 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1506 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1507 created by Section [35A-8-1009](#) and expended as provided in Section [35A-8-1009](#).

1508 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1509 fiscal year during which the commission receives notice under Section [63N-2-510](#) that  
1510 construction on a qualified hotel, as defined in Section [63N-2-502](#), has begun, the commission  
1511 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by  
1512 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in  
1513 Section [63N-2-512](#).

1514 (11) (a) The rate specified in this subsection is 0.15%.

1515 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year

1516 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the  
1517 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax  
1518 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

1519 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1520 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit  
1521 solely for use of the Search and Rescue Financial Assistance Program created in, and expended  
1522 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1523 ~~[(13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~  
1524 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund~~  
1525 ~~of 2005 under Subsections (7) and (8) to the General Fund.]~~

1526 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~  
1527 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall~~  
1528 ~~transfer the total revenue deposited into the Transportation Investment Fund of 2005 under~~  
1529 ~~Subsections (7) and (8) during the fiscal year to the General Fund.]~~

1530 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,  
1531 beginning the first day of the calendar quarter one year after the sales and use tax boundary for  
1532 a housing and transit reinvestment zone is established, the commission, at least annually, shall  
1533 transfer an amount equal to 15% of the sales and use tax increment within an established sales  
1534 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation  
1535 Investment Fund created in Section 72-2-124.

1536 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year  
1537 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure  
1538 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection  
1539 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1540 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;  
1541 (b) the tax imposed by Subsection (2)(b)(i); and  
1542 (c) the tax imposed by Subsection (2)(f)(i)(A)(I).

1543 Section 11. Section 59-13-103 is amended to read:

1544 **59-13-103. List of clean fuels provided to tax commission.**

1545 ~~[(1)]~~ The Air Quality Board shall annually provide to the tax commission a list of fuels  
1546 that are clean fuels under Section 59-13-102.

1547           ~~[(2) The Air Quality Board appointed under Section 19-2-103 shall in conjunction with~~  
1548 ~~the State Tax Commission prepare and submit to the Legislature before January 1, 1995, a~~  
1549 ~~report evaluating the impacts, benefits, and economic consequences of the clean fuel provisions~~  
1550 ~~of Sections 59-13-201 and 59-13-301.]~~

1551           Section 12. Section **72-1-201** is amended to read:

1552           **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**  
1553 **rights, and responsibilities.**

1554           (1) There is created the Department of Transportation which shall:

1555           (a) have the general responsibility for planning, research, design, construction,  
1556 maintenance, security, and safety of state transportation systems;

1557           (b) provide administration for state transportation systems and programs;

1558           (c) implement the transportation policies of the state;

1559           (d) plan, develop, construct, and maintain state transportation systems that are safe,  
1560 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and  
1561 industry;

1562           (e) establish standards and procedures regarding the technical details of administration  
1563 of the state transportation systems as established by statute and administrative rule;

1564           (f) advise the governor and the Legislature about state transportation systems needs;

1565           (g) coordinate with utility companies for the reasonable, efficient, and cost-effective  
1566 installation, maintenance, operation, relocation, and upgrade of utilities within state highway  
1567 rights-of-way;

1568           (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1569 make rules for the administration of the department, state transportation systems, and  
1570 programs;

1571           (i) jointly with the commission annually report to the Transportation Interim  
1572 Committee, by November 30 of each year, as to the operation, maintenance, condition,  
1573 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

1574           (j) ensure that any training or certification required of a public official or public  
1575 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
1576 22, State Training and Certification Requirements, if the training or certification is required:

1577           (i) under this title;

1578 (ii) by the department; or  
1579 (iii) by an agency or division within the department;  
1580 (k) study and make recommendations to the Legislature on potential managed lane use  
1581 and implementation on selected transportation systems within the state; [~~and~~]  
1582 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division  
1583 created in Section 53-8-103 regarding:  
1584 (i) future highway projects that will add additional capacity to the state transportation  
1585 system;  
1586 (ii) potential changes in law enforcement responsibilities due to future highway  
1587 projects; and  
1588 (iii) incident management services on state highways[-]; and  
1589 (m) provide public transit services, in consultation with any relevant public transit  
1590 provider.  
1591 (2) (a) The department shall exercise reasonable care in designing, constructing, and  
1592 maintaining a state highway in a reasonably safe condition for travel.  
1593 (b) Nothing in this section shall be construed as:  
1594 (i) creating a private right of action; or  
1595 (ii) expanding or changing the department's common law duty as described in  
1596 Subsection (2)(a) for liability purposes.  
1597 Section 13. Section 72-1-203 is amended to read:  
1598 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**  
1599 **and advisers -- Salaries.**  
1600 (1) The executive director shall appoint the following deputy directors, who shall serve  
1601 at the discretion of the executive director:  
1602 (a) the deputy director of engineering and operation, who shall be a registered  
1603 professional engineer in the state, and who shall be the chief engineer of the department; and  
1604 (b) the deputy director of planning and investment.  
1605 (2) As assigned by the executive director, the deputy directors described in Subsection  
1606 (1) may assist the executive director with the following departmental responsibilities:  
1607 (a) project development, including statewide standards for project design and  
1608 construction, right-of-way, materials, testing, structures, and construction;

- 1609 (b) oversight of the management of the region offices described in Section [72-1-205](#);
- 1610 (c) operations and traffic management;
- 1611 (d) oversight of operations of motor carriers and ports;
- 1612 (e) transportation systems safety;
- 1613 (f) aeronautical operations;
- 1614 (g) equipment for department engineering and maintenance functions;
- 1615 (h) oversight and coordination of planning, including:
- 1616 (i) development of statewide strategic initiatives for planning across all modes of
- 1617 transportation;
- 1618 (ii) coordination with metropolitan planning organizations and local governments;
- 1619 (iii) coordination with a large public transit district, including planning, project
- 1620 development, outreach, programming, environmental studies and impact statements,
- 1621 construction, and impacts on public transit operations; and
- 1622 (iv) corridor and area planning;
- 1623 (i) asset management;
- 1624 (j) programming and prioritization of transportation projects;
- 1625 (k) fulfilling requirements for environmental studies and impact statements;
- 1626 (l) resource investment, including identification, development, and oversight of
- 1627 public-private partnership opportunities;
- 1628 (m) data analytics services to the department;
- 1629 (n) corridor preservation;
- 1630 (o) employee development;
- 1631 (p) maintenance planning;
- 1632 (q) oversight and facilitation of the negotiations and integration of public transit
- 1633 providers described in Section [17B-2a-827](#);
- 1634 (r) oversight and supervision of any fixed guideway capital development project within
- 1635 the boundaries of a large public transit district for which any state funds are expended,
- 1636 including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the
- 1637 implementation and enforcement of any federal grant obligations associated with fixed
- 1638 guideway capital development project funding; and
- 1639 (s) other departmental responsibilities as determined by the executive director.

1640 (3) The executive director shall ensure that the same deputy director does not oversee  
1641 or supervise both the fixed guideway capital development responsibilities described in  
1642 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the  
1643 responsibilities described in Section 72-1-214.

1644 Section 14. Section 72-1-216 is amended to read:

1645 **72-1-216. Statewide electric vehicle charging network plan -- Report.**

1646 (1) (a) The department, in consultation with relevant entities in the private sector, shall  
1647 develop a statewide electric vehicle charging network plan.

1648 (b) To develop the statewide electric vehicle charging network plan, the department  
1649 shall consult with political subdivisions and other relevant state agencies, divisions, and  
1650 entities, including:

1651 (i) the Department of Environmental Quality created in Section 19-1-104;

1652 (ii) the Division of Facilities Construction and Management created in Section  
1653 63A-5b-301;

1654 (iii) the Office of Energy Development created in Section 79-6-401; and

1655 (iv) the Department of Natural Resources created in Section 79-2-201.

1656 (2) The statewide electric vehicle charging network plan shall provide implementation  
1657 strategies to ensure that electric vehicle charging stations are available:

1658 (a) at strategic locations as determined by the department [by June 30, 2021];

1659 (b) at incremental distances no greater than every 50 miles along the state's interstate  
1660 highway system by December 31, 2025; and

1661 (c) along other major highways within the state as the department finds appropriate.

1662 [~~(3) The department shall provide a report before November 30, 2020, to the  
1663 Transportation Interim Committee to outline the statewide electric vehicle charging network  
1664 plan.~~]

1665 Section 15. Section 72-1-304 is amended to read:

1666 **72-1-304. Written project prioritization process for new transportation capacity  
1667 projects -- Rulemaking.**

1668 (1) (a) The Transportation Commission, in consultation with the department and the  
1669 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written  
1670 prioritization process for the prioritization of:

- 1671 (i) new transportation capacity projects that are or will be part of the state highway  
1672 system under Chapter 4, Part 1, State Highways;
- 1673 (ii) paved pedestrian or paved nonmotorized transportation projects described in  
1674 Section [72-2-124](#);
- 1675 (iii) public transit projects that directly add capacity to the public transit systems within  
1676 the state, not including facilities ancillary to the public transit system; and
- 1677 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
1678 public transit system.
- 1679 (b) (i) A local government or public transit district may nominate a project for  
1680 prioritization in accordance with the process established by the commission in rule.
- 1681 (ii) If a local government or public transit district nominates a project for prioritization  
1682 by the commission, the local government or public transit district shall provide data and  
1683 evidence to show that:
- 1684 (A) the project will advance the purposes and goals described in Section [72-1-211](#);
- 1685 (B) for a public transit project, the local government or public transit district has an  
1686 ongoing funding source for operations and maintenance of the proposed development; and
- 1687 (C) the local government or public transit district will provide the percentage of the  
1688 costs for the project as required by Subsection [72-2-124\(4\)\(a\)\(viii\)](#) or [72-2-124\(9\)\(e\)](#).
- 1689 (2) The following shall be included in the written prioritization process under  
1690 Subsection (1):
- 1691 (a) a description of how the strategic initiatives of the department adopted under  
1692 Section [72-1-211](#) are advanced by the written prioritization process;
- 1693 (b) a definition of the type of projects to which the written prioritization process  
1694 applies;
- 1695 (c) specification of a weighted criteria system that is used to rank proposed projects  
1696 and how it will be used to determine which projects will be prioritized;
- 1697 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 1698 (e) any other provisions the commission considers appropriate, which may include  
1699 consideration of:
- 1700 (i) regional and statewide economic development impacts, including improved local  
1701 access to:

1702 (A) employment;  
1703 (B) educational facilities;  
1704 (C) recreation;  
1705 (D) commerce; and  
1706 (E) residential areas, including moderate income housing as demonstrated in the local  
1707 government's or public transit district's general plan pursuant to Section 10-9a-403 or  
1708 17-27a-403;

1709 (ii) the extent to which local land use plans relevant to a project support and  
1710 accomplish the strategic initiatives adopted under Section 72-1-211; and

1711 (iii) any matching funds provided by a political subdivision or public transit district in  
1712 addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and  
1713 72-2-124(9)(e).

1714 (3) (a) When prioritizing a public transit project that increases capacity, the  
1715 commission:

1716 (i) may give priority consideration to projects that are part of a transit-oriented  
1717 development or transit-supportive development as defined in Section 17B-2a-802; and

1718 (ii) shall give priority consideration to projects that are within the boundaries of a  
1719 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,  
1720 Housing and Transit Reinvestment Zone Act.

1721 (b) When prioritizing a transportation project that increases capacity, the commission  
1722 may give priority consideration to projects that are:

1723 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1724 (A) the state is a participant in the transportation reinvestment zone; or

1725 (B) the commission finds that the transportation reinvestment zone provides a benefit  
1726 to the state transportation system; or

1727 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant  
1728 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1729 (c) If the department receives a notice of prioritization for a municipality as described  
1730 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
1731 17-27a-408(5), the commission may give priority consideration to transportation projects that  
1732 are within the boundaries of the municipality or the unincorporated areas of the county until the



1733 department receives notification from the Housing and Community Development Division  
1734 within the Department of Workforce Services that the municipality or county no longer  
1735 qualifies for prioritization under this Subsection (3)(c).

1736 (4) In developing the written prioritization process, the commission:

1737 (a) shall seek and consider public comment by holding public meetings at locations  
1738 throughout the state; and

1739 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
1740 the state provides an equal opportunity to raise local matching dollars for state highway  
1741 improvements within each county.

1742 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1743 Transportation Commission, in consultation with the department, shall make rules establishing  
1744 the written prioritization process under Subsection (1).

1745 (6) The commission shall submit the proposed rules under this section to a committee  
1746 or task force designated by the Legislative Management Committee for review prior to taking  
1747 final action on the proposed rules or any proposed amendment to the rules described in  
1748 Subsection (5).

1749 Section 16. Section 72-2-124 is amended to read:

1750 **72-2-124. Transportation Investment Fund of 2005.**

1751 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
1752 of 2005.

1753 (2) The fund consists of money generated from the following sources:

1754 (a) any voluntary contributions received for the maintenance, construction,  
1755 reconstruction, or renovation of state and federal highways;

1756 (b) appropriations made to the fund by the Legislature;

1757 (c) registration fees designated under Section 41-1a-1201;

1758 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
1759 59-12-103; and

1760 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1761 (3) (a) The fund shall earn interest.

1762 (b) All interest earned on fund money shall be deposited into the fund.

1763 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use

1764 fund money to pay:

1765 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
1766 federal highways prioritized by the Transportation Commission through the prioritization  
1767 process for new transportation capacity projects adopted under Section 72-1-304;

1768 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
1769 projects described in Subsections 63B-18-401(2), (3), and (4);

1770 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
1771 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
1772 with Subsection 72-2-121(4)(e);

1773 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
1774 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
1775 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
1776 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1777 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
1778 for projects prioritized in accordance with Section 72-2-125;

1779 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
1780 the Centennial Highway Fund created by Section 72-2-118;

1781 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
1782 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
1783 in Section 72-2-121;

1784 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
1785 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved  
1786 nonmotorized transportation for projects that:

1787 (A) mitigate traffic congestion on the state highway system;

1788 (B) are part of an active transportation plan approved by the department; and

1789 (C) are prioritized by the commission through the prioritization process for new  
1790 transportation capacity projects adopted under Section 72-1-304;

1791 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
1792 reconstruction, or renovation of or improvement to the following projects:

1793 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

1794 (B) Geneva Road from University Parkway to 1800 South;

- 1795 (C) the SR-97 interchange at 5600 South on I-15;
- 1796 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
- 1797 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 1798 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 1799 (G) widening I-15 between mileposts 6 and 8;
- 1800 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 1801 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
- 1802 Spanish Fork Canyon;
- 1803 (J) I-15 northbound between mileposts 43 and 56;
- 1804 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
- 1805 and 45.1;
- 1806 (L) east Zion SR-9 improvements;
- 1807 (M) Toquerville Parkway;
- 1808 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 1809 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
- 1810 construction of an interchange on Bangerter Highway at 13400 South; and
- 1811 (P) an environmental impact study for Kimball Junction in Summit County; and
- 1812 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 1813 costs based upon a statement of cash flow that the local jurisdiction where the project is located
- 1814 provides to the department demonstrating the need for money for the project, for the following
- 1815 projects in the following amounts:
- 1816 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 1817 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 1818 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 1819 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
- 1820 between mile markers 7 and 10.
- 1821 (b) The executive director may use fund money to exchange for an equal or greater
- 1822 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 1823 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
- 1824 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director
- 1825 may not program fund money to a project prioritized by the commission under Section

1826 72-1-304, including fund money from the Transit Transportation Investment Fund, within the  
1827 boundaries of the municipality until the department receives notification from the Housing and  
1828 Community Development Division within the Department of Workforce Services that  
1829 ineligibility under this Subsection (5) no longer applies to the municipality.

1830 (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
1831 executive director:

1832 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1833 facility or interchange connecting limited-access facilities;

1834 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1835 an interchange on a limited-access facility;

1836 (iii) may program Transit Transportation Investment Fund money for a  
1837 multi-community fixed guideway public transportation project; and

1838 (iv) may not program Transit Transportation Investment Fund money for the  
1839 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1840 transportation project.

1841 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
1842 director before July 1, 2022, for projects prioritized by the commission under Section  
1843 72-1-304.

1844 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
1845 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may  
1846 not program fund money to a project prioritized by the commission under Section 72-1-304,  
1847 including fund money from the Transit Transportation Investment Fund, within the boundaries  
1848 of the unincorporated area of the county until the department receives notification from the  
1849 Housing and Community Development Division within the Department of Workforce Services  
1850 that ineligibility under this Subsection (6) no longer applies to the county.

1851 (b) Within the boundaries of the unincorporated area of a county described in  
1852 Subsection (6)(a), the executive director:

1853 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1854 facility to a project prioritized by the commission under Section 72-1-304;

1855 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1856 an interchange on a limited-access facility;

1857 (iii) may program Transit Transportation Investment Fund money for a  
1858 multi-community fixed guideway public transportation project; and

1859 (iv) may not program Transit Transportation Investment Fund money for the  
1860 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1861 transportation project.

1862 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
1863 director before July 1, 2022, for projects prioritized by the commission under Section  
1864 72-1-304.

1865 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued  
1866 in any fiscal year, the department and the commission shall appear before the Executive  
1867 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
1868 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
1869 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1870 (b) The Executive Appropriations Committee of the Legislature shall review and  
1871 comment on the amount of bond proceeds needed to fund the projects.

1872 (8) The Division of Finance shall, from money deposited into the fund, transfer the  
1873 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
1874 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or  
1875 sinking fund.

1876 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
1877 Transportation Investment Fund.

1878 (b) The fund shall be funded by:

1879 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1880 (ii) appropriations into the account by the Legislature;

1881 (iii) deposits of sales and use tax increment related to a housing and transit  
1882 reinvestment zone as described in Section 63N-3-610;

1883 (iv) transfers of local option sales and use tax revenue as described in Subsection  
1884 59-12-2220(11)(b) or (c);

1885 (v) private contributions; and

1886 (vi) donations or grants from public or private entities.

1887 (c) (i) The fund shall earn interest.

1888 (ii) All interest earned on fund money shall be deposited into the fund.  
1889 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:  
1890 (i) for public transit capital development of new capacity projects and fixed guideway  
1891 capital development projects to be used as prioritized by the commission through the  
1892 prioritization process adopted under Section 72-1-304; ~~[or]~~  
1893 (ii) to the department for oversight of a fixed guideway capital development project for  
1894 which the department has responsibility[-]; or  
1895 (iii) up to \$500,000 per year, to be used for a public transit study.  
1896 (e) (i) Subject to Subsections ~~[(9)(g) and (h)]~~ (9)(g), (h), and (i), the commission may  
1897 only prioritize money from the fund for a public transit capital development project or  
1898 pedestrian or nonmotorized transportation project that provides connection to the public transit  
1899 system if the public transit district or political subdivision provides funds of equal to or greater  
1900 than 30% of the costs needed for the project.  
1901 (ii) A public transit district or political subdivision may use money derived from a loan  
1902 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
1903 part of the 30% requirement described in Subsection (9)(e)(i) if:  
1904 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
1905 State Infrastructure Bank Fund; and  
1906 (B) the proposed capital project has been prioritized by the commission pursuant to  
1907 Section 72-1-303.  
1908 (f) Before July 1, 2022, the department and a large public transit district shall enter into  
1909 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15  
1910 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and  
1911 trainsets for regional public transit rail systems.  
1912 (g) For any revenue transferred into the fund pursuant to Subsection  
1913 59-12-2220(11)(b):  
1914 (i) the commission may prioritize money from the fund for public transit projects,  
1915 operations, or maintenance within the county of the first class; and  
1916 (ii) Subsection (9)(e) does not apply.  
1917 (h) For any revenue transferred into the fund pursuant to Subsection  
1918 59-12-2220(11)(c):

1919 (i) the commission may prioritize public transit projects, operations, or maintenance in  
1920 the county from which the revenue was generated; and

1921 (ii) Subsection (9)(e) does not apply.

1922 (i) The requirement to provide funds equal to or greater than 30% of the costs needed  
1923 for a project described in Subsection (9)(e) does not apply to a public transit capital  
1924 development project or pedestrian or nonmotorized transportation project proposed by the  
1925 department.

1926 (10) (a) There is created in the Transportation Investment Fund of 2005 the  
1927 Cottonwood Canyons Transportation Investment Fund.

1928 (b) The fund shall be funded by:

1929 (i) money deposited into the fund in accordance with Section 59-12-103;

1930 (ii) appropriations into the account by the Legislature;

1931 (iii) private contributions; and

1932 (iv) donations or grants from public or private entities.

1933 (c) (i) The fund shall earn interest.

1934 (ii) All interest earned on fund money shall be deposited into the fund.

1935 (d) The Legislature may appropriate money from the fund for public transit or  
1936 transportation projects in the Cottonwood Canyons of Salt Lake County.

1937 (11) (a) There is created in the Transportation Investment Fund of 2005 the Active  
1938 Transportation Investment Fund.

1939 (b) The fund shall be funded by:

1940 (i) money deposited into the fund in accordance with Section 59-12-103;

1941 (ii) appropriations into the account by the Legislature; and

1942 (iii) donations or grants from public or private entities.

1943 (c) (i) The fund shall earn interest.

1944 (ii) All interest earned on fund money shall be deposited into the fund.

1945 (d) The executive director may only use fund money to pay the costs needed for:

1946 (i) the planning, design, construction, maintenance, reconstruction, or renovation of  
1947 paved pedestrian or paved nonmotorized trail projects that:

1948 (A) are prioritized by the commission through the prioritization process for new  
1949 transportation capacity projects adopted under Section 72-1-304;

1950 (B) serve a regional purpose; and

1951 (C) are part of an active transportation plan approved by the department or the plan  
1952 described in Subsection (11)(d)(ii);

1953 (ii) the development of a plan for a statewide network of paved pedestrian or paved  
1954 nonmotorized trails that serve a regional purpose; and

1955 (iii) the administration of the fund, including staff and overhead costs.

1956 Section 17. Section **72-3-202** is amended to read:

1957 **72-3-202. State park access highways -- Anasazi State Park Museum to Edge of**  
1958 **the Cedars State Park Museum.**

1959 State park access highways include:

1960 (1) ANASAZI STATE PARK MUSEUM. Access to the Anasazi State Park Museum  
1961 is at the park entrance located in Garfield County at milepoint [~~87.8~~] 87.3 on State Highway  
1962 12. No access road is defined.

1963 (2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the  
1964 pay gate located in Rich County at milepoint [~~413.2~~] 498.8 on State Highway 89. No access  
1965 road is defined.

1966 (3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore  
1967 begins in Rich County at State Highway 30 and proceeds northerly on a county road (L326) a  
1968 distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich  
1969 County.

1970 (4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake  
1971 Rendezvous Beach is at the park entrance in Rich County at milepoint [~~124.5~~] 118 on State  
1972 Highway 30. No access road is defined.

1973 (5) CAMP FLOYD/STAGECOACH INN STATE PARK MUSEUM. Access to the  
1974 Camp Floyd/Stagecoach Inn State Park Museum is at the parking area in Utah County at  
1975 milepoint 20.6 on State Highway 73. No access road is defined.

1976 (6) CORAL PINK SAND DUNES STATE PARK.

1977 (a) Access to the Coral Pink Sand Dunes State Park begins in Kane County at State  
1978 Highway 89 and proceeds southwesterly on [a] county road 43 a distance of 12.0 miles to the  
1979 visitor center of the park and is under the jurisdiction of Kane County.

1980 (b) The second access to the Coral Pink Sand Dunes State Park begins on the state



1981 border between Arizona and Utah and proceeds northerly on county road 43 and travels  
 1982 through the state park and is under the jurisdiction of Kane County.

1983 (7) DANGER CAVE. Access to Danger cave is in Tooele County. No access road is  
 1984 defined.

1985 (8) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park  
 1986 begins in Grand County at State Highway 191 and proceeds southwesterly on State Highway  
 1987 313 a distance of 20.8 miles [~~to the camping area at the park and is under the jurisdiction of~~  
 1988 ~~UDOT~~], crosses into San Juan County between mile marker 2 and 3, continues to mile marker  
 1989 0, and is under the jurisdiction of the department.

1990 (9) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in  
 1991 Wasatch County at State Highway 189 and proceeds southwesterly on State Highway 314 a  
 1992 distance of [~~0.2~~] 0.8 miles to the boat ramp at the park and is under the jurisdiction of [~~UDOT~~]  
 1993 the department.

1994 (10) EAST CANYON STATE PARK. Access to East Canyon State Park begins in  
 1995 Morgan County at State Highway 66 and proceeds southeasterly on State Highway 306 a  
 1996 distance of 0.1 miles to the parking area at the park and is under the jurisdiction of [~~UDOT~~] the  
 1997 department.

1998 (11) ECHO STATE PARK. Access to Echo State Park begins in Coalville, Summit  
 1999 County at Main Street and proceeds northeasterly on Echo Dam Road a distance of 0.12 miles  
 2000 to the boat ramp at the park.

2001 [(H)] (12) EDGE OF THE CEDARS STATE PARK MUSEUM. Access to Edge of  
 2002 the Cedars State Park Museum begins in Blanding at U.S. Highway 191 and proceeds west on  
 2003 Center Street to 600 West then north on 600 West to the parking area and museum at 660 West  
 2004 400 North. The access road is under the jurisdiction of Blanding.

2005 Section 18. Section **72-3-203** is amended to read:

2006 **72-3-203. State park access highways -- Escalante Petrified Forest State Park to**  
 2007 **Huntington State Park.**

2008 State park access highways include:

2009 (1) ESCALANTE PETRIFIED FOREST STATE PARK. Access to Escalante  
 2010 Petrified Forest State Park begins in Garfield County at State Highway 12 and proceeds  
 2011 northwesterly on a county road a distance of 1 mile to the park's visitor center and is under the

2012 jurisdiction of Garfield County.

2013 (2) FLIGHT PARK STATE RECREATION AREA. Access to Flight Park State  
2014 Recreation Area begins in Utah County at East Frontage Road and proceeds northeasterly on  
2015 Air Park Road, a distance of 0.5 miles to the park entrance and is under the jurisdiction of Utah  
2016 County.

2017 (3) FREMONT INDIAN STATE PARK MUSEUM. Access to the Fremont Indian  
2018 State Park Museum begins in Sevier County at the Sevier Junction on Highway 89 and  
2019 proceeds westerly on county road 2524 to interchange 17 on Interstate 70, a distance of 5.9  
2020 miles and is under the jurisdiction of Sevier County.

2021 [~~(4)~~] ~~GOBLIN VALLEY STATE PARK (East Access). The East Access to the Goblin~~  
2022 ~~Valley State Park begins in Emery County at the junction of State Highway 24 and county road~~  
2023 ~~1012 and proceeds westerly on county road 1012, a distance of 5.2 miles; then southerly on~~  
2024 ~~county road 1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4~~  
2025 ~~miles to the park entrance. The East Access is under the jurisdiction of Emery County.]~~

2026 [~~(5)~~] (4) GOBLIN VALLEY STATE PARK (North Access). The North Access to the  
2027 Goblin Valley State Park begins in Emery County at the junction of [~~Interstate 70 and county~~  
2028 ~~road 332~~] county road 1013 and county road 1014 and proceeds southwesterly on county road  
2029 332, a distance of 10 miles; then southerly on county road 1033, a distance of 3.1 miles; then  
2030 southeasterly on county road 1012, a distance of [~~10.6 miles; then southerly on county road~~  
2031 ~~1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4 miles to the~~  
2032 ~~park entrance.~~] 7.0 miles to the park fee station. The North Access is under the jurisdiction of  
2033 Emery County.

2034 [~~(6)~~] (5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in  
2035 San Juan County at State Highway 261 and proceeds southwesterly on State Highway 316 a  
2036 distance of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction  
2037 of UDOT.

2038 [~~(7)~~] (6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park  
2039 begins in Davis County at State Highway 127 and proceeds southwesterly on a county road a  
2040 distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of  
2041 Davis County.

2042 [~~(8)~~] (7) GREAT SALT LAKE STATE PARK MARINA. Access to the Great Salt

2043 Lake State Park Marina begins in Salt Lake County at Interstate Highway 80 and proceeds  
 2044 southwesterly on a county road a distance of 1.5 miles to the parking area and marina at the  
 2045 park and is under the jurisdiction of Salt Lake County.

2046 ~~[(9)]~~ (8) GREEN RIVER STATE PARK. Access to Green River State Park begins in  
 2047 Emery County at the junction of Route 19 and Green River Boulevard and proceeds southerly  
 2048 on Green River Boulevard, a distance of 0.5 miles to the park entrance and is under the  
 2049 jurisdiction of Green River.

2050 ~~[(10)]~~ (9) GUNLOCK STATE PARK. Access to ~~[the]~~ Gunlock State Park begins in  
 2051 Washington County at the junction of county road (L009) ~~[and a county road]~~ (Old Highway  
 2052 91) and Gunlock Road and proceeds northwesterly on ~~[a county road]~~ Gunlock Road a distance  
 2053 of ~~[0.1]~~ 5.9 miles to the parking area at the park and is under the jurisdiction of Washington  
 2054 County.

2055 ~~[(11)]~~ (10) HUNTINGTON STATE PARK. Access to ~~[the]~~ Huntington State Park  
 2056 begins in Emery County at State Highway 10 and proceeds northwesterly on a county road a  
 2057 distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

2058 Section 19. Section **72-3-204** is amended to read:

2059 **72-3-204. State park access highways -- Hyrum State Park to Painted Rocks.**

2060 State park access highways include:

2061 (1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate in Cache  
 2062 County at 405 West 300 South in Hyrum and proceeds northerly on 400 West to State Highway  
 2063 101. No access road is defined.

2064 (2) FRONTIER HOMESTEAD STATE PARK MUSEUM. Access to Frontier  
 2065 Homestead State Park Museum is at the parking area and museum in Iron County at milepoint  
 2066 ~~[3.3]~~ 3.1 on State Highway 130 at 585 North Main St. in Cedar City. No access road is  
 2067 defined.

2068 (3) FRONTIER HOMESTEAD STATE PARK (OLD IRON TOWN HISTORIC  
 2069 SITE). Access to Old Iron Town begins at the junction of a county road and State Highway 56,  
 2070 19.0 miles west of Cedar City, and proceeds southwesterly 2.7 miles to the parking lot for Old  
 2071 Iron Town and is under the jurisdiction of Iron County.

2072 (4) JORDAN RIVER OFF-HIGHWAY VEHICLE STATE PARK. Access to Jordan  
 2073 River Off-highway Vehicle State Park begins in Salt Lake County at 2100 North and proceeds

2074 northerly on Rose Park Lane, a distance of 1.25 miles to the park entrance and is under the  
2075 jurisdiction of Salt Lake County.

2076 (5) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the  
2077 Jordanelle State Park Hailstone Marina begins in Wasatch County at State Highway 40 and  
2078 proceeds southeasterly on State Highway 319 a distance of [~~1.4~~] 1.2 miles to the marina  
2079 parking area at the park and is under the jurisdiction of UDOT.

2080 (6) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to  
2081 the Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway  
2082 32 and proceeds northwesterly on a county road a distance of 0.6 miles to the parking area at  
2083 the park and is under the jurisdiction of the county.

2084 (7) JORDANELLE STATE PARK (ROSS CREEK). Access to Jordanelle State Park  
2085 Ross Creek begins in Wasatch County at State Highway 189 and proceeds southerly on a  
2086 county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction  
2087 of the county.

2088 (8) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State  
2089 Park begins in Kane County at State Highway 12 and proceeds southeasterly on a county road  
2090 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane  
2091 County.

2092 (9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery  
2093 County at State Highway 10 and proceeds northwesterly on a county road (L122) a distance of  
2094 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.

2095 (10) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the  
2096 pay gate/contact station in Piute County at milepoint 6.4 on State Highway 22. No access road  
2097 is defined.

2098 (11) PAINTED ROCKS (YUBA EAST SHORE). Access to the Painted Rocks Yuba  
2099 East Shore begins in Sanpete County at State Highway 28 and proceeds westerly on a county  
2100 road a distance of 2.0 miles to the parking/boat launch area at the park and is under the  
2101 jurisdiction of Sanpete County.

2102 Section 20. Section **72-3-205** is amended to read:

2103 **72-3-205. State park access highways -- Palisade State Park to Starvation State**  
2104 **Park.**

2105 State park access highways include:

2106 (1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete  
2107 County at State Highway 89 and proceeds northeasterly on a county road a distance of 2.2  
2108 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete  
2109 County.

2110 (2) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at  
2111 State Highway 89 and proceeds southeasterly on a county road a distance of 1.0 miles to the  
2112 parking area at the park and is under the jurisdiction of Piute County.

2113 (3) QUAIL CREEK STATE PARK (North Access). The North Access to the Quail  
2114 Creek State Park begins in Hurricane City at Old Highway 91 and proceeds southerly on 5300  
2115 West, a distance of 1.0 miles to the pay gate/contact station at the park. The North Access is  
2116 under the jurisdiction of Hurricane City.

2117 (4) QUAIL CREEK STATE PARK (South Access). The South Access to the Quail  
2118 Creek State Park begins in Washington County at State Highway 9 and proceeds northerly on  
2119 State Highway 318, a distance of 2.2 miles to the pay gate/contact station at the park. The  
2120 South Access is under the jurisdiction of UDOT.

2121 (5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah  
2122 County at State Highway 191 and proceeds easterly on a county road a distance of 2.0 miles to  
2123 the pay gate at the park and is under the jurisdiction of Uintah County.

2124 (6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit  
2125 County at State Highway 32 and proceeds northwesterly on State Highway 302 a distance of  
2126 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.

2127 (7) SAND HOLLOW STATE PARK (North Access). The North Access to the Sand  
2128 Hollow State Park begins in Hurricane City at State Highway 9 and proceeds southerly on Sand  
2129 Hollow Road, a distance of 3.9 miles to Sand Hollow Parkway. The North Access is under the  
2130 jurisdiction of Hurricane City.

2131 ~~[(8) SAND HOLLOW STATE PARK (East Access). The East Access to the Sand~~  
2132 ~~Hollow State Park begins in Hurricane City at 1100 West and proceeds west on 3000 South, a~~  
2133 ~~distance of 1.7 miles, then proceeds southwesterly on Sand Hollow Road, a distance of 5.3~~  
2134 ~~miles to Sand Hollow Parkway. The East Access is under the jurisdiction of Hurricane City.]~~

2135 (8) SAND HOLLOW STATE PARK (South Access). The South Access to Sand

2136 Hollow State Park begins at the intersection of State Route 7 and Sand Hollow Road, then  
2137 proceeds northerly on Sand Hollow Road, a distance of 0.87 miles to the park entrance road.  
2138 The South Access is under the jurisdiction of Hurricane City.

2139 (9) SCOFIELD (Mountain View). Access to Scofield Mountain View is at the boat  
2140 launch in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.

2141 (10) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park  
2142 Madsen Bay is at the park entrance in Carbon County at milepoint 12.3 on State Highway 96.  
2143 No access road is defined.

2144 ~~[(11) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park~~  
2145 ~~begins in Washington County at State Highway 18 near mile post 4 in St. George and proceeds~~  
2146 ~~northerly on Snow Canyon Parkway and Snow Canyon Drive to the south boundary of the~~  
2147 ~~Snow Canyon State Park.]~~

2148 (11) SNOW CANYON STATE PARK.

2149 (a) South access to the Snow Canyon State Park begins in Washington County at State  
2150 Highway 18 near mile post 4 in St. George and proceeds westerly on Snow Canyon Parkway  
2151 and northerly on Snow Canyon Drive to the south boundary of the Snow Canyon State Park (at  
2152 the northern boundary of the Vermillion Cliffs development).

2153 (b) The northern access is located at the intersection of State Route 18 and Snow  
2154 Canyon Drive.

2155 (12) STARVATION STATE PARK. Access to the Starvation State Park begins in  
2156 Duchesne County at State Highway 40 and proceeds northwesterly on State Highway 311 a  
2157 distance of [~~2.2~~] 3.9 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

2158 Section 21. Section **72-3-206** is amended to read:

2159 **72-3-206. State park access highways -- Steinaker State Park to Yuba State Park.**

2160 State park access highways include:

2161 (1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah  
2162 County at State Highway 191 and proceeds northwesterly on State Highway 301 a distance of  
2163 [~~1.7~~] 2.0 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

2164 (2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial  
2165 Statehouse State Park is at the parking area in Millard County at milepoint 1.0 on State  
2166 Highway 100. No access road is defined.

2167 (3) THIS IS THE PLACE HERITAGE PARK. Access to This Is The Place Heritage  
2168 Park is at the park entrance in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake  
2169 City. No access road is defined.

2170 (4) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah  
2171 Field House of Natural History State Park is at the parking area in Uintah County at milepoint  
2172 [~~145.8~~] 145.1 on State Highway 40 at 496 East Main in Vernal. No access road is defined.

2173 (5) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah  
2174 County at State Highway 114 and proceeds westerly on a county road a distance of 2.5 miles to  
2175 the pay gate at the park and is under the jurisdiction of Utah County.

2176 (6) WASATCH MOUNTAIN STATE PARK (East Access). The East Access to the  
2177 Wasatch Mountain State Park begins at the Summit-Wasatch County line and proceeds  
2178 westerly on Guardsman Pass Road, a county road, a distance of .9 miles; then southeasterly on  
2179 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The  
2180 East Access is under the jurisdiction of Wasatch County.

2181 (7) WASATCH MOUNTAIN STATE PARK (South Access). The South Access to  
2182 the Wasatch Mountain State Park begins in Wasatch County at State Route 40 and proceeds  
2183 westerly on Federal Route 3130 via River Road, Burgi Lane, and Cari Lane, county and city  
2184 roads, a distance of 4.3 miles to State Highway 222; then northerly on State Highway 222, a  
2185 distance of [~~1.1~~] 1.3 miles to the campground entrance. The South Access is under the  
2186 jurisdiction of Wasatch County and Midway City.

2187 (8) WASATCH MOUNTAIN STATE PARK (West Access). The West Access to the  
2188 Wasatch Mountain State Park begins at the Salt Lake-Wasatch County line and proceeds  
2189 easterly on Guardsman Pass Road, a county road, a distance of 1.7 miles; then southeasterly on  
2190 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The  
2191 West Access is under the jurisdiction of Wasatch County.

2192 (9) WASATCH MOUNTAIN (Soldier Hollow). Access to Soldier Hollow begins in  
2193 Wasatch County at State Highway 113 and proceeds westerly on Tate Lane, a county road; then  
2194 southwesterly on Soldier Hollow Lane to the parking area and clubhouse.

2195 (10) WASATCH MOUNTAIN (Cascade Springs). Access to Cascade Springs begins  
2196 in Wasatch County at the junction of Tate Lane and Stringtown Road, county roads, and  
2197 proceeds northerly on Stringtown Road; then southwesterly on Cascade Springs Drive to the

2198 parking area. The access is under the jurisdiction of Wasatch County.

2199 (11) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park  
2200 South begins in Box Elder County at a county road and proceeds northwesterly on State  
2201 Highway 312 a distance of [~~0.2~~] 0.5 miles to the marina parking at the park and is under the  
2202 jurisdiction of UDOT.

2203 (12) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park  
2204 North begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly on  
2205 State Highway 315 a distance of [~~0.6~~] 1.0 miles to the marina parking at the park and is under  
2206 the jurisdiction of UDOT.

2207 (13) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at  
2208 Interstate Highway 15 and proceeds southerly on county road (L203) a distance of 4.1 miles to  
2209 the pay gate at the park and is under the jurisdiction of Juab County.

2210 Section 22. Section **72-6-118** is amended to read:

2211 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**  
2212 **and collection of tolls -- Amount of tolls -- Rulemaking.**

2213 (1) As used in this section:

2214 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under  
2215 Section [41-6a-702](#) that may be used by an operator of a vehicle carrying less than the number  
2216 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a  
2217 toll or fee.

2218 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

2219 (c) "Toll lane" means a designated new highway or additional lane capacity that is  
2220 constructed, operated, or maintained for which a toll is charged for its use.

2221 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way  
2222 designed and used as a transportation route that is constructed, operated, or maintained through  
2223 the use of toll revenues.

2224 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

2225 (e) "Tollway development agreement" has the same meaning as defined in Section  
2226 [72-6-202](#).

2227 (2) Subject to the provisions of Subsection (3), the department may:

2228 (a) establish, expand, and operate tollways and related facilities for the purpose of



2229 funding in whole or in part the acquisition of right-of-way and the design, construction,  
2230 reconstruction, operation, enforcement, and maintenance of or impacts from a transportation  
2231 route for use by the public;

2232 (b) enter into contracts, agreements, licenses, franchises, tollway development  
2233 agreements, or other arrangements to implement this section;

2234 (c) impose and collect tolls on any tollway established under this section, including  
2235 collection of past due payment of a toll or penalty;

2236 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls  
2237 pursuant to the terms and conditions of a tollway development agreement;

2238 (e) use technology to automatically monitor a tollway and collect payment of a toll,  
2239 including:

2240 (i) license plate reading technology; and

2241 (ii) photographic or video recording technology; and

2242 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny  
2243 a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll  
2244 or penalty imposed for usage of a tollway involving the motor vehicle for which registration  
2245 renewal has been requested.

2246 (3) (a) The department may establish or operate a tollway on an existing highway if  
2247 approved by the commission in accordance with the terms of this section.

2248 (b) To establish a tollway on an existing highway, the department shall submit a  
2249 proposal to the commission including:

2250 (i) a description of the tollway project;

2251 (ii) projected traffic on the tollway;

2252 (iii) the anticipated amount of the toll to be charged; and

2253 (iv) projected toll revenue.

2254 (4) (a) For a tollway established under this section, the department may:

2255 (i) according to the terms of each tollway, impose the toll upon the owner of a motor  
2256 vehicle using the tollway according to the terms of the tollway;

2257 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:

2258 (A) an unpaid toll and the amount of the toll to be paid to the department;

2259 (B) the penalty for failure to pay the toll timely; and

2260 (C) a hold being placed on the owner's registration for the motor vehicle if the toll and  
2261 penalty are not paid timely, which would prevent the renewal of the motor vehicle's  
2262 registration;

2263 (iii) require that the owner of the motor vehicle pay the toll to the department within 30  
2264 days of the date when the department sends written notice of the toll to the owner; and

2265 (iv) impose a penalty for failure to pay a toll timely.

2266 (b) The department shall mail the correspondence and notice described in Subsection  
2267 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

2268 (5) (a) The Division of Motor Vehicles and the department shall share and provide  
2269 access to information pertaining to a motor vehicle and tollway enforcement including:

2270 (i) registration and ownership information pertaining to a motor vehicle;

2271 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or  
2272 penalty imposed under this section; and

2273 (iii) the status of a request for a hold on the registration of a motor vehicle.

2274 (b) If the department requests a hold on the registration in accordance with this section,  
2275 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title  
2276 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or  
2277 penalty imposed under this section for usage of a tollway involving the motor vehicle for which  
2278 registration renewal has been requested until the department withdraws the hold request.

2279 (6) (a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter  
2280 3, Utah Administrative Rulemaking Act, the commission shall:

2281 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and

2282 (ii) for tolls established under Subsection (6)(b), set:

2283 (A) an increase in a toll rate or user fee above an increase specified in a tollway  
2284 development agreement; or

2285 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a  
2286 tollway development agreement.

2287 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a  
2288 tollway on a state highway that is the subject of a tollway development agreement shall be set  
2289 in the tollway development agreement.

2290 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

2291 the department shall make rules:

2292 (i) necessary to establish and operate tollways on state highways;

2293 (ii) that establish standards and specifications for automatic tolling systems and  
2294 automatic tollway monitoring technology; and

2295 (iii) to set the amount of a penalty for failure to pay a toll under this section.

2296 (b) The rules shall:

2297 (i) include minimum criteria for having a tollway; and

2298 (ii) conform to regional and national standards for automatic tolling.

2299 (8) (a) The commission may provide funds for public or private tollway pilot projects  
2300 or high occupancy toll lanes from General Fund money appropriated by the Legislature to the  
2301 commission for that purpose.

2302 (b) The commission may determine priorities and funding levels for tollways  
2303 designated under this section.

2304 (9) (a) Except as provided in Subsection (9)(b), all revenue generated from a tollway  
2305 on a state highway shall be deposited into the Tollway Special Revenue Fund created in  
2306 Section 72-2-120 and used for any state transportation purpose.

2307 (b) Revenue generated from a tollway that is the subject of a tollway development  
2308 agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance  
2309 with Subsection (9)(a) unless:

2310 (i) the revenue is to a private entity through the tollway development agreement; or

2311 (ii) the revenue is identified for a different purpose under the tollway development  
2312 agreement.

2313 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

2314 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,  
2315 Chapter 2, Government Records Access and Management Act, if the photographic or video  
2316 data is maintained by a governmental entity;

2317 (b) may not be used or shared for any purpose other than the purposes described in this  
2318 section;

2319 (c) may only be preserved:

2320 (i) so long as necessary to collect the payment of a toll or penalty imposed in  
2321 accordance with this section; or

- 2322 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an  
2323 equivalent federal warrant; and
- 2324 (d) may only be disclosed:
- 2325 (i) in accordance with the disclosure requirements for a protected record under Section  
2326 [63G-2-202](#); or
- 2327 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an  
2328 equivalent federal warrant.
- 2329 (11) (a) The department may not sell for any purpose photographic or video data  
2330 captured under Subsection (2)(e)(ii).
- 2331 (b) The department may not share captured photographic or video data for a purpose  
2332 not authorized under this section.
- 2333 ~~[(12) Before November 1, 2018, the Driver License Division, the Division of Motor  
2334 Vehicles, and the department shall jointly study and report findings and recommendations to  
2335 the Transportation Interim Committee regarding the use of Title 53, Chapter 3, Part 6, Drivers'  
2336 License Compact, and other methods to collect a toll or penalty under this section from:]~~
- 2337 ~~[(a) an owner of a motor vehicle registered outside this state; or]~~
- 2338 ~~[(b) a driver or lessee of a motor vehicle leased or rented for 30 days or less.]~~
- 2339 Section 23. Section **72-6-121** is amended to read:
- 2340 **72-6-121. Clean fuel vehicle decal.**
- 2341 (1) Subject to the requirements of this section, the department shall issue a clean fuel  
2342 vehicle decal permit and a clean fuel vehicle decal to an applicant if:
- 2343 (a) the applicant is an owner of a vehicle:
- 2344 (i) powered by clean fuel that meets the standards established by the department in  
2345 rules authorized under Subsection [41-6a-702\(5\)\(b\)](#); and
- 2346 (ii) that is registered in the state of Utah;
- 2347 (b) the applicant remits an application and all fees required under this section; and
- 2348 (c) the department has clean fuel vehicle decals available subject to the limits  
2349 established by the department in accordance with Subsection [41-6a-702\(5\)\(b\)](#).
- 2350 (2) The department shall establish the clean fuel vehicle decal design in consultation  
2351 with the Utah Highway Patrol.
- 2352 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal

2353 fee established by the department in accordance with Section [63J-1-504](#).

2354 (b) Funds generated by the clean fuel vehicle decal fee may be used by the department  
2355 to cover the costs incurred in issuing clean fuel vehicle decals under this section.

2356 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel  
2357 vehicle decal to a person who has been issued a clean fuel special group license plate prior to  
2358 July 1, 2011.

2359 (b) A person who applies to the department to receive a clean fuel vehicle decal permit  
2360 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under  
2361 Subsection (3).

2362 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle  
2363 other than the vehicle specified in the application for the clean fuel vehicle decal permit and the  
2364 clean fuel vehicle decal.

2365 (b) An owner of a vehicle issued a clean fuel vehicle permit and clean fuel vehicle  
2366 decal is not required to place the clean fuel vehicle decal on the vehicle specified to drive in the  
2367 high occupancy lane described in Subsection [41-6a-702](#)(5).

2368 (c) A person operating a motor vehicle that has been issued a clean fuel vehicle decal  
2369 shall:

2370 (i) in a manner consistent with Section [41-6a-1635](#), install on the windshield of the  
2371 motor vehicle the clean vehicle transponder issued by the department;

2372 [(i)] (ii) have in the person's immediate possession the clean fuel vehicle decal permit  
2373 issued by the department for the motor vehicle the person is operating; and

2374 [(ii)] (iii) present the permit upon demand of a peace officer.

2375 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2376 department shall make rules to administer the clean fuel vehicle decal program authorized in  
2377 this section.

2378 Section 24. Section **72-7-111** is enacted to read:

2379 **72-7-111. Storage of flammable, explosive, or combustible materials prohibited.**

2380 (1) As used in this section:

2381 (a) "Combustible" means a material capable of producing a usually rapid chemical  
2382 process that creates heat and usually light.

2383 (b) "Explosive" means any chemical compound mixture, or device, the primary or

2384 common purpose of which is to function by explosion.

2385 (c) "Flammable" means a material capable of being easily ignited and burning quickly.

2386 (2) A person may not keep, store, or stockpile any flammable, explosive, or

2387 combustible material:

2388 (a) within a right-of-way of any highway authority; or

2389 (b) beneath or within 100 feet of:

2390 (i) a bridge, overpass, viaduct, tunnel, or culvert of a highway authority;

2391 (ii) a bridge, overpass, viaduct, tunnel, or culvert of a large public transit district; or

2392 (iii) a public transit facility.

2393 (3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

2394 Section 25. Section **72-10-203.5** is amended to read:

2395 **72-10-203.5. Advisory boards of airports and extraterritorial airports.**

2396 (1) For purposes of this section:

2397 (a) "Airport owner" means the municipality, county, or airport authority that owns one  
2398 or more airports.

2399 (b) "Extraterritorial airport" means an airport, including the airport facilities, real  
2400 estate, or other assets related to the operation of an airport, outside the municipality or county  
2401 and within the boundary of a different municipality or county.

2402 (2) (a) If an airport owner that owns an international airport also owns one or more  
2403 extraterritorial airports, the airport owner shall create and maintain an advisory board as  
2404 described in this section.

2405 (b) The advisory board shall advise and consult the airport owner according to the  
2406 process set forth in ordinance, rule, or regulation of the airport owner.

2407 (3) (a) An advisory board described in Subsection (2) shall consist of 11 members,  
2408 appointed as follows:

2409 (i) one individual from each municipality or county in which an extraterritorial airport  
2410 is located, appointed:

2411 (A) according to an ordinance or policy in place in each municipality or county for  
2412 appointing individuals to a board, if any; or

2413 (B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief  
2414 executive officer of the municipality or county, with advice and consent from the legislative

2415 body of the municipality or county in which the extraterritorial airport is located; and

2416 (ii) as many individuals as necessary, appointed by the chief executive officer of the  
2417 airport owner, with advice and consent from the legislative body of the airport owner, when  
2418 added to the individuals appointed under Subsection (3)(a)(i), to equal 11 total members on the  
2419 advisory board.

2420 (b) The airport owner shall ensure that members of the advisory board have the  
2421 following qualifications:

2422 (i) at least one member with experience in commercial or industrial construction  
2423 projects with a budget of at least \$10,000,000; and

2424 (ii) at least one member with experience in management and oversight of an entity with  
2425 an operating budget of at least \$10,000,000.

2426 (4) (a) (i) Except as provided in [~~Subsections (4)(b) and (6)(b)~~] Subsection (4)(b), the  
2427 term of office for members of the advisory board shall be four years or until a successor is  
2428 appointed, qualified, seated, and has taken the oath of office.

2429 (ii) A member of the advisory board may serve two terms.

2430 (b) When a vacancy occurs on the board for any reason, the replacement shall be  
2431 appointed according to the procedures set forth in Subsection (3) for the member who vacated  
2432 the seat, and the replacement shall serve for the remainder of the unexpired term.

2433 (5) The advisory board shall select a chair of the advisory board.

2434 [~~(6) (a) For an airport owner that owns and operates an extraterritorial airport as of  
2435 March 9, 2017, that has an advisory board in place, the members of the advisory board may  
2436 complete the member's respective current term on the advisory board.]~~

2437 [~~(b) After March 9, 2017, and upon expiration of the current term of each member of  
2438 the advisory board serving as of March 9, 2017, the airport owner shall ensure that the  
2439 membership of the advisory board transitions to reflect the requirements of this section.]~~

2440 [(7)] (6) (a) The chief executive officer of each municipality or county in which an  
2441 extraterritorial airport is located, with the advice and consent of the respective legislative body  
2442 of the municipality or county, may create an extraterritorial airport advisory board to represent  
2443 the interests of the extraterritorial airport.

2444 (b) The extraterritorial airport advisory boards described in Subsection [(7)(a)] (6)(a)  
2445 shall meet at least quarterly, and:

2446 (i) shall provide advisory support to the member of the advisory board representing the  
2447 municipality or county; and

2448 (ii) may advise in the request for proposals process of a fixed base operator for the  
2449 respective extraterritorial airport.

2450 ~~[(8)]~~ (7) The airport owner, in consultation with the airport advisory board, shall,  
2451 consistent with the requirements of federal law, study, produce an analysis, and advise  
2452 regarding the highest and best use and operational strategy for each airport, including all lands,  
2453 facilities, and assets owned by the airport owner.

2454 ~~[(9)]~~ (8) An airport owner, in consultation with the county auditor and the county  
2455 assessor of a county in which an extraterritorial airport is located, shall explore in good faith  
2456 whether a municipality or county where an extraterritorial airport is located receives  
2457 airport-related tax disbursements to which the municipality or county is entitled.

2458 ~~[(10)]~~ (9) An airport owner shall report annually to the Transportation Interim  
2459 Committee regarding the requirements in this section.

2460 Section 26. Section **72-10-205.5** is amended to read:

2461 **72-10-205.5. Abandoned aircraft on airport property -- Seizure and disposal.**

2462 (1) (a) As used in this section, "abandoned aircraft" means an aircraft that:

- 2463 (i) remains in an idle state on airport property for 45 consecutive calendar days;
- 2464 (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and
- 2465 (iii) is not in the process of actively being repaired.

2466 (b) "Abandoned aircraft" does not include an aircraft:

- 2467 (i) ~~(A)~~ that has current FAA registration; and
- 2468 ~~[(ii)]~~ ~~(B)~~ that has current state registration; or
- 2469 ~~[(iii)]~~ ~~(ii)~~ for which evidence is shown indicating repairs are in process, including:
  - 2470 (A) receipts for parts and labor; or
  - 2471 (B) a statement from a mechanic making the repairs.

2472 (2) An airport operator may take possession and dispose of an abandoned aircraft in  
2473 accordance with Subsections (3) through (5).

2474 (3) Upon determining that an aircraft located on airport property is abandoned, the  
2475 airport operator shall:

- 2476 (a) send, by registered mail, a notice containing the information described in



2477 Subsection (4) to the last known address of the last registered owner of the aircraft; and

2478 (b) publish a notice containing the information described in Subsection (4) in a  
2479 newspaper of general circulation in the county where the airport is located if:

2480 (i) the owner or the address of the owner of the aircraft is unknown; or

2481 (ii) the mailed notice is returned to the airport operator without a forwarding address.

2482 (4) The notice described in Subsection (3) shall include:

2483 (a) the name, if known, and the last known address, if any, of the last registered owner  
2484 of the aircraft;

2485 (b) a description of the aircraft, including the identification number, the location of the  
2486 aircraft, and the date the aircraft is determined abandoned;

2487 (c) a statement describing the specific grounds for the determination that the aircraft is  
2488 abandoned;

2489 (d) the amount of any accrued or unpaid airport charges; and

2490 (e) a statement indicating that the airport operator intends to take possession and  
2491 dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport  
2492 property, after payment in full of any charges described in Subsection (4)(d), within the later  
2493 of:

2494 (i) 30 days after the day on which the notice is sent in accordance with Subsection  
2495 (3)(a); or

2496 (ii) 30 days after the day on which the notice is published in accordance with  
2497 Subsection (3)(b), if applicable.

2498 (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport  
2499 property, after payment in full of any charges described in Subsection (4)(d), within the time  
2500 specified in Subsection (4)(e):

2501 (a) the abandoned aircraft becomes the property of the airport operator; and

2502 (b) the airport operator may dispose of the abandoned aircraft:

2503 (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or

2504 (ii) in accordance with any other lawful method or procedure established by rule or  
2505 ordinance adopted by the airport operator.

2506 (6) If an airport operator complies with the provisions of this section, the airport  
2507 operator is immune from liability for the seizure and disposal of an abandoned aircraft in

2508 accordance with this section.

2509 Section 27. Section **72-17-101 (Effective 03/31/24)** is amended to read:

2510 **72-17-101 (Effective 03/31/24). Office of Rail Safety -- Creation -- Applicability.**

2511 (1) In accordance with 49 C.F.R. Part 212, State Safety Participation Regulations, there  
2512 is created within the department an Office of Rail Safety.

2513 (2) As described in 49 C.F.R. Secs. 212.105 and 212.107, to organize the Office of  
2514 Rail Safety, the executive director shall:

2515 (a) enter into an agreement with the Federal Railroad Administration to participate in  
2516 inspection and investigation activities; and

2517 (b) obtain certification from the Federal Railroad Administration to undertake  
2518 inspection and investigative responsibilities and duties.

2519 (3) In establishing the Office of Rail Safety in accordance with the duties described in  
2520 49 C.F.R. Part 212, the department may hire personnel and establish the duties of the office in  
2521 phases.

2522 (4) This [~~chapter~~] part applies to:

2523 (a) a class I railroad; and

2524 (b) commuter rail.

2525 Section 28. Section **72-17-102 (Effective 03/31/24)** is amended to read:

2526 **72-17-102 (Effective 03/31/24). Definitions.**

2527 As used in this [~~chapter~~] part:

2528 (1) "Class I railroad" means the same as that term is defined in 49 U.S.C. Sec. 20102.

2529 (2) "Commuter rail" means the same as that term is defined in Section [63N-3-602](#).

2530 (3) "Federal Railroad Administration" means the Federal Railroad Administration  
2531 created in 49 U.S.C. Sec. 103.

2532 (4) "Office" means the Office of Rail Safety created in accordance with Section  
2533 [72-17-101](#).

2534 (5) "Railroad" means the same as that term is defined in 49 C.F.R. Sec. 200.3.

2535 Section 29. Section **77-11d-105** is amended to read:

2536 **77-11d-105. Disposition of unclaimed property.**

2537 (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or  
2538 if the owner of the property is determined and notified, and fails to appear and claim the

2539 property after three months of the property's receipt by the local law enforcement agency, the  
2540 agency shall:

2541 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public  
2542 Legal Notice Website established in Subsection [45-1-101\(2\)\(b\)](#);

2543 (ii) post a similar notice on the public website of the political subdivision within which  
2544 the law enforcement agency is located; and

2545 (iii) post a similar notice in a public place designated for notice within the law  
2546 enforcement agency.

2547 (b) The notice shall:

2548 (i) give a general description of the item; and

2549 (ii) the date of intended disposition.

2550 (c) The agency may not dispose of the lost or mislaid property until at least eight days  
2551 after the date of publication and posting.

2552 (2) (a) If no claim is made for the lost or mislaid property within nine days of  
2553 publication and posting, the agency shall notify the person who turned the property over to the  
2554 local law enforcement agency, if it was turned over by a person under Section [77-11d-103](#).

2555 (b) Except as provided in Subsection (4), if that person has complied with the  
2556 provisions of this chapter, the person may take the lost or mislaid property if the person:

2557 (i) pays the costs incurred for advertising and storage; and

2558 (ii) signs a receipt for the item.

2559 (3) If the person who found the lost or mislaid property fails to take the property under  
2560 the provisions of this chapter, the agency shall:

2561 (a) apply the property to a public interest use as provided in Subsection (4);

2562 (b) sell the property at public auction and apply the proceeds of the sale to a public  
2563 interest use; or

2564 (c) destroy the property if it is unfit for a public interest use or sale.

2565 (4) (a) Before applying the lost or mislaid property to a public interest use, the agency  
2566 having possession of the property shall obtain from the agency's legislative body:

2567 ~~(a)~~ (i) permission to apply the property to a public interest use; and

2568 ~~(b)~~ (ii) the designation and approval of the public interest use of the property.

2569 (b) If the agency is a private law enforcement agency as defined in Subsection

2570 53-19-102(4), the agency may apply the lost or mislaid property to a public interest use as  
2571 provided in Subsection (4)(a) after obtaining the permission, designation, and approval of the  
2572 legislative body of the municipality in which the agency is located.

2573 (5) Any person employed by a law enforcement agency who finds property may not  
2574 claim or receive property under this section.

2575 Section 30. **Effective date.**

2576 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

2577 (2) The actions affecting Section 59-12-103 (Contingently Effective 01/01/25) take  
2578 effect on January 1, 2025.