

Casey Snider proposes the following substitute bill:

Transportation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill amends provisions related to transportation, including road usage charge, towing dispatch, and local option sales tax use.

Highlighted Provisions:

This bill:

- ▶ allows a political subdivision to prohibit a mobile business from operating on a street or sidewalk that is temporarily closed for certain events;
- ▶ requires commercial electric vehicles with a gross weight of 6,001 pounds or more to pay a road usage charge with a higher road usage charge cap;
- ▶ exempts buses operating on the bus's planned route to temporarily cross lane lines to stop at a bus stop;
- ▶ exempts the Department of Transportation from certain requirements related to receiving a conveyance of real property;
- ▶ provides a sales tax exemption for construction materials purchased by the Department of Transportation for certain public transit capital development projects;
- ▶ amends certain allowed uses of local option sales taxes for transportation;
- ▶ increases bonding authorization related to commuter rail expansion;
- ▶ defines the Utah trail network;
- ▶ delegates certain authority to the executive director of the Department of Transportation during a natural disaster;
- ▶ requires local governments that receive funds from the County of the First Class Highway Projects Fund to report on the expenditure of funds and the progress of projects;
- ▶ allows the Transportation Commission to prioritize the use of Transit Transportation Investment Fund revenue for corridor preservation purposes and provides parameters for the use of the revenue;

- 29 ▶ allows certain rail road transportation funds to be used to repair tracks and rail
30 infrastructure located on state lands;
- 31 ▶ allows the Department of Transportation to waive sovereign immunity for public transit
32 projects;
- 33 ▶ amends the definition of "state transportation purposes";
- 34 ▶ amends provisions related to the ability to charge towing dispatch service fees and pass
35 through a reasonable towing dispatch service fee;
- 36 ▶ repeals the study required by the Department of Transportation and Salt Lake City
37 regarding highway reduction strategies;
- 38 ▶ codifies certain requirements based on the findings and results of the study on highway
39 reduction strategies; and
- 40 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

42 None

Other Special Clauses:

44 This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

47 **11-56-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 450

48 **41-1a-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 294

49 **41-1a-1206 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 215,
50 279

51 **41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27)**, as last amended by Laws
52 of Utah 2025, Chapter 527

53 **41-6a-1406 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws
54 of Utah 2025, Chapter 378

55 **53-1-106.2 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2023,
56 Chapter 219

57 **57-1-48 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 399

58 **59-12-104 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
59 Session, Chapter 17

60 **59-12-2220 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
61 Session, Chapter 15

62 **63B-31-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 452

63 **63I-1-272 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 391
 64 **72-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 373
 65 **72-1-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 22, 219
 66 **72-1-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 144
 67 **72-1-213.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 452
 68 **72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of
 69 Utah 2025, Chapter 452
 70 **72-2-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Second Special
 71 Session, Chapter 8
 72 **72-2-121 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
 73 Session, Chapter 17
 74 **72-2-124 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah
 75 2025, First Special Session, Chapter 15
 76 **72-2-124 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
 77 Session, Chapter 15
 78 **72-2-131 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 531
 79 **72-2-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 16
 80 **72-2-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 501
 81 **72-5-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 22
 82 **72-6-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 424
 83 **72-9-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 457
 84 **72-9-602 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378
 85 **72-9-603 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378
 86 **72-9-604 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378
 87 **72-19-401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
 88 Chapter 512

89 ENACTS:

90 **72-1-219 (Effective 05/06/26)**, Utah Code Annotated 1953
 91 **72-20-101 (Effective 05/06/26)**, Utah Code Annotated 1953
 92 **72-20-102 (Effective 05/06/26)**, Utah Code Annotated 1953

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

95 Section 1. Section **11-56-106** is amended to read:

96 **11-56-106 (Effective 05/06/26). Mobile business operation.**

- 97 (1) [A] Except as provided in Subsection (2), a political subdivision may not:
- 98 [~~(1)~~] (a) entirely or constructively prohibit mobile businesses in a zone in which a food
- 99 establishment is a permitted or conditional use;
- 100 [~~(2)~~] (b) prohibit the operation of a food truck within a given distance of a restaurant;
- 101 [~~(3)~~] (c) restrict the total number of days a mobile business may operate within the
- 102 political subdivision during a calendar year;
- 103 [~~(4)~~] (d) require a mobile business to:
- 104 [~~(a)~~] (i) provide to the political subdivision:
- 105 [~~(i)~~] (A) a site plan for each location in which a mobile business operates in the
- 106 public right of way, if the political subdivision permits mobile businesses in the
- 107 public right of way; or
- 108 [~~(ii)~~] (B) the date, time, or duration that a mobile business will operate within the
- 109 political subdivision; or
- 110 [~~(b)~~] (ii) obtain and pay for a land use permit for each location and time during which
- 111 a mobile business operates; or
- 112 [~~(5)~~] (e) if a mobile business has the consent of a private property owner to operate on
- 113 the private property:
- 114 [~~(a)~~] (i) limit the number of days the mobile business may operate on the private
- 115 property;
- 116 [~~(b)~~] (ii) require that the mobile business provide to the political subdivision or keep
- 117 on file in the mobile business the private property owner's written consent; or
- 118 [~~(c)~~] (iii) require a site plan for the operation of the mobile business on the private
- 119 property where the mobile business operates in the same location for less than 10
- 120 hours per week.

121 (2) A political subdivision may prohibit a mobile business on a street or the sidewalk

122 abutting a street that is temporarily closed by the political subdivision for a temporary

123 mass gathering or other special event.

124 Section 2. Section **41-1a-202** is amended to read:

125 **41-1a-202 (Effective 05/06/26). Definitions -- Vehicles exempt from registration**

126 **-- Registration of vehicles after establishing residency.**

- 127 (1) As used in this section:
- 128 (a) "Designated agent" means the same as that term is defined in Section 41-12a-803.
- 129 (b) "Domicile" means the place:
- 130 (i) where an individual has a fixed permanent home and principal establishment;

- 131 (ii) to which the individual if absent, intends to return; and
- 132 (iii) in which the individual and his family voluntarily reside, not for a special or
- 133 temporary purpose, but with the intention of making a permanent home.
- 134 (c)(i) "Resident" means any of the following:
- 135 (A) an individual who:
- 136 (I) has established a domicile in this state;
- 137 (II) regardless of domicile, remains in this state for an aggregate period of six
- 138 months or more during any calendar year;
- 139 (III) engages in a trade, profession, or occupation in this state or who accepts
- 140 employment in other than seasonal work in this state and who does not
- 141 commute into the state;
- 142 (IV) declares himself to be a resident of this state for the purpose of obtaining a
- 143 driver license or motor vehicle registration; or
- 144 (V) declares himself a resident of Utah to obtain privileges not ordinarily
- 145 extended to nonresidents, including going to school, or placing children in
- 146 school without paying nonresident tuition or fees; or
- 147 (B) any individual, partnership, limited liability company, firm, corporation,
- 148 association, or other entity that:
- 149 (I) maintains a main office, branch office, or warehouse facility in this state
- 150 and that bases and operates a motor vehicle in this state; or
- 151 (II) operates a motor vehicle in intrastate transportation for other than seasonal
- 152 work.
- 153 (ii) "Resident" does not include any of the following:
- 154 (A) a member of the military temporarily stationed in Utah;
- 155 (B) an out-of-state student, as classified by the institution of higher education,
- 156 enrolled with the equivalent of seven or more quarter hours, regardless of
- 157 whether the student engages in a trade, profession, or occupation in this state or
- 158 accepts employment in this state; and
- 159 (C) an individual domiciled in another state or a foreign country that:
- 160 (I) is engaged in public, charitable, educational, or religious services for a
- 161 government agency or an organization that qualifies for tax-exempt status
- 162 under Internal Revenue Code Section 501(c)(3);
- 163 (II) is not compensated for services rendered other than expense
- 164 reimbursements; and

- 165 (III) is temporarily in Utah for a period not to exceed 24 months.
- 166 (iii) Notwithstanding Subsections (1)(c)(i) and (ii), "resident" includes the owner of a
167 vehicle equipped with an automated driving system as defined in Section
168 41-26-102.1 if the vehicle is physically present in the state for more than 30
169 consecutive days in a calendar year.
- 170 (2)(a) Registration under this chapter is not required for any:
- 171 (i) vehicle registered in another state and owned by a nonresident of the state or
172 operating under a temporary registration permit issued by the division or a dealer
173 authorized by this chapter, driven or moved upon a highway in conformance with
174 the provisions of this chapter relating to manufacturers, transporters, dealers, lien
175 holders, or interstate vehicles;
- 176 (ii) vehicle driven or moved upon a highway only for the purpose of crossing the
177 highway from one property to another;
- 178 (iii) implement of husbandry, whether of a type otherwise subject to registration or
179 not, that is only incidentally operated or moved upon a highway;
- 180 (iv) special mobile equipment;
- 181 (v) vehicle owned or leased by the federal government;
- 182 (vi) motor vehicle not designed, used, or maintained for the transportation of
183 passengers for hire or for the transportation of property if the motor vehicle is
184 registered in another state and is owned and operated by a nonresident of this state;
- 185 (vii) vehicle or combination of vehicles designed, used, or maintained for the
186 transportation of persons for hire or for the transportation of property if the
187 vehicle or combination of vehicles is registered in another state and is owned and
188 operated by a nonresident of this state and if the vehicle or combination of
189 vehicles has a gross laden weight of 26,000 pounds or less;
- 190 (viii) trailer of 750 pounds or less unladen weight and not designed, used, and
191 maintained for hire for the transportation of property or person;
- 192 (ix) single-axle trailer unless that trailer is:
- 193 (A) a commercial vehicle;
- 194 (B) a trailer designed, used, and maintained for hire for the transportation of
195 property or person; or
- 196 (C) a travel trailer, camping trailer, or fifth wheel trailer of 750 pounds or more
197 laden weight;
- 198 (x) manufactured home or mobile home;

- 199 (xi) off-highway vehicle currently registered under Section 41-22-3 if the
200 off-highway vehicle is:
- 201 (A) being towed;
 - 202 (B) operated on a street or highway designated as open to off-highway vehicle
203 use; or
 - 204 (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);
- 205 (xii) off-highway implement of husbandry operated in the manner prescribed in
206 Subsections 41-22-5.5(3) through (5);
- 207 (xiii) modular and prebuilt homes conforming to the uniform building code and
208 presently regulated by the United States Department of Housing and Urban
209 Development that are not constructed on a permanent chassis;
- 210 (xiv) electric assisted bicycle defined under Section 41-6a-102;
- 211 (xv) motor assisted scooter defined under Section 41-6a-102; or
- 212 (xvi) electric personal assistive mobility device defined under Section 41-6a-102.
- 213 (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii),
214 incidental operation on a highway includes operation that is:
- 215 (i) transportation of raw agricultural materials or other agricultural related operations;
216 and
 - 217 (ii) limited to 100 miles round trip on a highway.
- 218 (3)(a) Unless otherwise exempted under Subsection (2), registration under this chapter is
219 required for any motor vehicle, combination of vehicles, trailer, semitrailer, vintage
220 vehicle, or restored-modified vehicle within 60 days of the owner establishing
221 residency in this state.
- 222 (b)(i) The commission may contract with a designated agent described in Chapter
223 12a, Part 8, Uninsured Motorist Identification Database Program, to determine the
224 address for which a contract for owner's or operator's security pertaining to a
225 certain vehicle or vessel is tied.
- 226 (ii) If the information provided by the designated agent under Subsection (3)(b)(i)
227 indicates that the owner of a vehicle or vessel is a resident of this state, the
228 commission may investigate to ensure compliance with this chapter, Chapter 22,
229 Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, and Title 73,
230 Chapter 18, State Boating Act.
- 231 (c) If the commission's investigation described in Subsection (3)(b)(ii) determines that
232 the owner of the vehicle or vessel is not in compliance with this chapter, Chapter 22,

- 233 Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, or Title 73,
234 Chapter 18, State Boating Act, the commission:
- 235 (i) may impose a penalty on the owner of the vehicle or vessel of \$150; and
236 (ii) shall provide notice of noncompliance to the owner of the vehicle or vessel and
237 allow 60 days after the date on which the notice was issued for the owner of the
238 vehicle or vessel to comply with the provisions identified in the commission's
239 investigation described in Subsection (3)(b)(ii).
- 240 (d) If the owner of a vehicle or vessel fails to comply as directed within the time period
241 described in Subsection (3)(c), the commission~~[-created in Section 41-3-104]~~ may
242 impose on the owner of the vehicle or vessel a penalty equal to the greater of:
- 243 (i) if the commission finds there was an underpayment of tax under Title 59, Chapter
244 12, Sales and Use Tax Act, a penalty as provided in Subsection 59-1-401(7); or
245 (ii) \$500.
- 246 (e) Upon making a record of the commission's actions, and upon reasonable cause
247 shown, the commission may waive, reduce, or compromise any penalty imposed
248 under Subsection (3)(c) or (3)(d).
- 249 (f)(i) The commission shall deposit money from a penalty under Subsections (3)(c)(i)
250 and (3)(d)(ii) for failure to properly register or title a vehicle or vessel ~~[pursuant to]~~
251 in accordance with this chapter, Chapter 22, Off-highway Vehicles, or Title 73,
252 Chapter 18, State Boating Act, into the Uninsured Motorist Identification
253 Restricted Account created in Section 41-12a-806.
- 254 (ii) The commission shall deposit money from a penalty under this Subsection
255 (3)(d)(i) for failure to pay a sales and use tax under Title 59, Chapter 12, Sales and
256 Use Tax Act, into the General Fund.
- 257 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the
258 registration requirements of this part for the time period that the registration under
259 Section 41-3-306 is valid.
- 260 (5) A vehicle that has been issued a nonrepairable certificate may not be registered under
261 this chapter.
- 262 Section 3. Section **41-1a-1206** is amended to read:
- 263 **41-1a-1206 (Effective 05/06/26). Registration fees -- Fees by gross laden weight.**
- 264 (1) Except as provided in Subsections (2) and (3), at the time application is made for
265 registration or renewal of registration of a vehicle or combination of vehicles under this
266 chapter, a registration fee shall be paid to the division as follows:

- 267 (a) \$46.00 for each motorcycle;
- 268 (b) \$44 for each motor vehicle of 14,000 pounds or less gross laden weight, excluding
269 motorcycles;
- 270 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202
271 or is registered under Section 41-1a-301:
- 272 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
273 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or
274 less gross unladen weight;
- 275 (d)(i) \$53 for each farm truck over 14,000 pounds, but not exceeding 16,000 pounds
276 gross laden weight; plus
277 (ii) \$9 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 278 (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding
279 farm trucks, over 14,000 pounds, but not exceeding 16,000 pounds gross laden
280 weight; plus
281 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 282 (f)(i) \$69.50 for each park model recreational vehicle over 14,000 pounds, but not
283 exceeding 16,000 pounds gross laden weight; plus
284 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 285 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
- 286 (h) in addition to the fee described in Subsection (1)(b):
- 287 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 288 (A) each electric motor vehicle; ~~and~~
289 (B) each electric vehicle with a gross combined weight rating of 6,001 pounds or
290 more that is a commercial vehicle; and
291 ~~[(B)] (C) [Each] each~~ motor vehicle not described in this Subsection (1)(h) that is
292 fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or
293 propane;
- 294 (ii) \$21.75 for each hybrid electric motor vehicle; and
295 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 296 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a
297 model year of 1983 or newer, 50 cents; and
- 298 (j) \$28.50 for each roadable aircraft.
- 299 (2)(a) At the time application is made for registration or renewal of registration of a
300 vehicle under this chapter for a six-month registration period under Section

- 301 41-1a-215.5, a registration fee shall be paid to the division as follows:
- 302 (i) \$34.50 for each motorcycle; and
- 303 (ii) \$33.50 for each motor vehicle of 14,000 pounds or less gross laden weight,
- 304 excluding motorcycles.
- 305 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of
- 306 registration of a vehicle under this chapter for a six-month registration period under
- 307 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
- 308 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 309 (A) each electric motor vehicle; [~~and~~]
- 310 (B) each electric vehicle with a gross combined weight rating of 6,001 pounds or
- 311 more that is a commercial vehicle; and
- 312 [~~(B)~~] (C) each motor vehicle not described in this Subsection (2)(b) that is fueled
- 313 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
- 314 propane;
- 315 (ii) \$16.50 for each hybrid electric motor vehicle; and
- 316 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 317 (3)(a) Beginning on January 1, 2024, at the time of registration:
- 318 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),
- 319 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual
- 320 shall also pay an additional \$7 as part of the registration fee; and
- 321 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
- 322 pay an additional \$5 as part of the registration fee.
- 323 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
- 324 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
- 325 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),
- 326 by taking the registration fee rate for the previous year and adding an amount
- 327 equal to the greater of:
- 328 (A) an amount calculated by multiplying the registration fee of the previous year
- 329 by the actual percentage change during the previous fiscal year in the
- 330 Consumer Price Index; and
- 331 (B) 0.
- 332 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually
- 333 adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and
- 334 (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and

- 335 adding an amount equal to the greater of:
- 336 (A) an amount calculated by multiplying the registration fee of the previous year
- 337 by the actual percentage change during the previous fiscal year in the
- 338 Consumer Price Index; and
- 339 (B) 0.
- 340 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the
- 341 nearest 25 cents.
- 342 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or
- 343 older is \$40.
- 344 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal
- 345 of registration fees under Subsection (1).
- 346 (c) A vehicle with a Purple Heart special group license plate issued on or before
- 347 December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group
- 348 License Plates, is exempt from the registration fees under Subsection (1).
- 349 (d) A camper is exempt from the registration fees under Subsection (1).
- 350 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor
- 351 vehicle shall register for the total gross laden weight of all units of the combination if the
- 352 total gross laden weight of the combination exceeds 14,000 pounds.
- 353 (6)(a) Registration fee categories under this section are based on the gross laden weight
- 354 declared in the licensee's application for registration.
- 355 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of
- 356 2,000 pounds is a full unit.
- 357 (7) The owner of a trailer described in Section 41-1a-228 may, as an alternative to
- 358 registering under Subsection (1)(c), apply for and obtain a special registration and
- 359 license plate, as provided in Section 41-1a-228, for a fee of \$130.
- 360 (8) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the
- 361 fee amounts are double the amounts due for a 12-month registration of the same vehicle.
- 362 (9) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck
- 363 unless:
- 364 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- 365 (b)(i) the truck has a gross vehicle weight rating of more than 14,000 pounds; or
- 366 (ii) the truck has a gross vehicle weight rating of 14,000 pounds or less and the owner
- 367 submits to the division a certificate of emissions inspection or a waiver in
- 368 compliance with Section 41-6a-1642.

369 (10) A violation of Subsection (9) is an infraction that shall be punished by a fine of not
370 less than \$200.

371 (11) A motor vehicle registered as a street-legal all-terrain vehicle is:

372 (a) subject to the registration and other fees described in Section 41-22-9; and

373 (b) not required to pay an additional registration fee under this section.

374 (12) Trucks used exclusively to pump cement, bore wells, or perform crane services with a
375 crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees
376 required for those vehicles under this section.

377 Section 4. Section **41-6a-710** is amended to read:

378 **41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27). Roadway divided**
379 **into marked lanes -- Provisions -- Traffic-control devices.**

380 On a roadway divided into two or more clearly marked lanes for traffic the following
381 provisions apply and any violation of this section is an infraction:

382 (1)(a) Except as provided in Subsection (1)(c), a person operating a vehicle:

383 (i) shall keep the vehicle as nearly as practical entirely within a single lane; and

384 (ii) may not move the vehicle from the lane until the operator has reasonably
385 determined the movement can be made safely.

386 (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person
387 acting under the same conditions and having regard for actual and potential hazards
388 then existing would determine that the movement could be made safely.

389 (c) Subsection (1)(a) does not apply to:

390 (i) an individual operating a motorcycle engaging in lane filtering as described in
391 Section 41-6a-704[?];

392 (ii) a school bus that temporarily impedes a parking or bike lane while operating
393 along the school bus's planned route and schedule; or

394 (iii) a public transit vehicle, as defined in Section 17B-2a-802, that temporarily
395 impedes a parking or bike lane while loading or unloading passengers, or making
396 an operational adjustment, along the public transit vehicle's planned route and
397 schedule.

398 (2)(a) On a roadway divided into three or more lanes and providing for two-way
399 movement of traffic, a person operating a vehicle may not drive in the center lane
400 except:

401 (i) when overtaking and passing another vehicle traveling in the same direction, and
402 when the center lane is:

- 403 (A) clear of traffic within a safe distance; and
404 (B) not a two-way left turn lane;
- 405 (ii) in preparation of making or completing a left turn in compliance with Section
406 41-6a-801; or
- 407 (iii) where the center lane is allocated exclusively to traffic moving in the same
408 direction that the vehicle is proceeding as indicated by traffic-control devices.
- 409 (b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a
410 person operating a vehicle may drive in a center lane that is a two-way left turn lane
411 if:
- 412 (i) the center lane is:
- 413 (A) on a roadway divided into three or more lanes that provides for two-way
414 movement of traffic; and
- 415 (B) clear of traffic within a safe distance;
- 416 (ii) there is only one lane of travel in the direction the person operating the vehicle is
417 traveling; and
- 418 (iii) the person operating the vehicle is overtaking and passing a bicycle or moped
419 that is moving at less than the reasonable speed of traffic that is present.
- 420 (3)(a) A highway authority may erect traffic-control devices directing specified traffic to
421 use a designated lane or designating those lanes to be used by traffic moving in a
422 particular direction regardless of the center of the roadway.
- 423 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected
424 under Subsection (3)(a).
- 425 (4)(a) A person operating a motor vehicle may not drive within a bicycle lane except:
- 426 (i) to cross a bicycle lane when turning into an intersection, street, alley, driveway, or
427 other parking area;
- 428 (ii) when responding to striping, traffic control devices, or emergency conditions; or
- 429 (iii) while operating:
- 430 (A) an authorized emergency vehicle;
- 431 (B) a snow removal vehicle;
- 432 (C) a vehicle providing municipal-type services, as defined in Section 19-3-303;
- 433 (D) a school bus or transit vehicle, as defined in Section 17B-2a-802, to load or
434 unload passengers, or make an operational adjustment, along the school bus's
435 or transit vehicle's planned route and schedule; or
- 436 (E) a vehicle used by a postal service, as defined in Section 76-6-1001.

437 (b) A person operating a motor vehicle within a bicycle lane as described in Subsection
438 (4)(a)(i) shall yield the right of way to all bicycle traffic within the lane.

439 Section 5. Section **41-6a-1406** is amended to read:

440 **41-6a-1406 (Effective 05/06/26) (Partially Repealed 07/01/29). Removal and**
441 **impoundment of vehicles -- Reporting and notification requirements -- Administrative**
442 **impound fee -- Refunds -- Possessory lien -- Rulemaking.**

443 (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section
444 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order
445 of a peace officer or by an order of a person acting on behalf of a law enforcement
446 agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor
447 shall be at the expense of the owner.

448 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a
449 state impound yard.

450 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
451 removed by a tow truck motor carrier that meets standards established:

452 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

453 (b) by the department under Subsection (11).

454 (4)(a) A report described in this Subsection (4) is required for a vehicle, vessel, or
455 outboard motor that is impounded as described in Subsection (1).

456 (b) Before noon on the next business day after the date of the removal of the vehicle,
457 vessel, or outboard motor, a report of the impoundment shall be sent to the Motor
458 Vehicle Division, in an electronic format approved by the Motor Vehicle Division,
459 by:

460 (i) the peace officer or agency by whom the peace officer is employed; and

461 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
462 operator is employed.

463 (c) The report shall be in a form specified by the Motor Vehicle Division and shall
464 include:

465 (i) the operator's name, if known;

466 (ii) a description of the vehicle, vessel, or outboard motor;

467 (iii) the vehicle identification number or vessel or outboard motor identification
468 number;

469 (iv) the case number designated by the peace officer, law enforcement agency
470 number, or government entity;

- 471 (v) the license number, temporary permit number, or other identification number
472 issued by a state agency;
- 473 (vi) the date, time, and place of impoundment;
- 474 (vii) the reason for removal or impoundment;
- 475 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
476 outboard motor; and
- 477 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 478 (d)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
479 the State Tax Commission shall make rules to establish proper format and
480 information required on the form described in this Subsection (4).
- 481 (ii) The State Tax Commission shall ensure that the form described in this Subsection
482 (4) is provided in an electronic format.
- 483 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
484 required under this Subsection (4), a tow truck motor carrier or impound yard may
485 not:
- 486 (i) collect any fee associated with the removal; and
487 (ii) begin charging storage fees.
- 488 (5)(a) A report described in this Subsection (5) is required for any vehicle, vessel, or
489 outboard motor that is removed, except for:
- 490 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in
491 Subsection (1); or
- 492 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in
493 accordance with Section 72-9-603.
- 494 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer
495 shall provide documentation to the tow truck operator or tow truck motor carrier that
496 includes:
- 497 (i) the name and badge number of the peace officer;
498 (ii) the name and originating agency identifier of the law enforcement agency; and
499 (iii) the case number designated by the law enforcement officer or law enforcement
500 agency.
- 501 (c) For a removal described in Subsection (5)(a), before noon on the next business day
502 following the date of the removal of the vehicle, vessel, or outboard motor, the tow
503 truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in
504 an electronic format approved by the Motor Vehicle Division:

- 505 (i) the report described in Subsection (4); or
506 (ii) the report described in Subsection (5)(d).
- 507 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck
508 motor carrier does not provide the report described in Subsection (4), the tow truck
509 operator or tow truck motor carrier shall provide a report to the Motor Vehicle
510 Division that includes:
- 511 (i) the name and badge number of the relevant peace officer;
512 (ii) the name and originating agency identifier of the law enforcement agency;
513 (iii) the law enforcement agency case number;
514 (iv) subject to Subsection (5)(e), the vehicle identification number and the license
515 number, temporary permit number, or other identification number issued by a
516 state agency;
517 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
518 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 519 (e) If either the vehicle identification number or the license number, temporary permit
520 number, or other identification number issued by a state agency is not available, the
521 report shall include:
- 522 (i) as much information as is available from both the vehicle identification number
523 and the license plate number of the vehicle, vessel, or outboard motor; and
524 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make,
525 model, and model year of the vehicle, vessel, or outboard motor.
- 526 (f) Until the tow truck operator or tow truck motor carrier reports the removal as
527 required under this Subsection (5), a tow truck motor carrier may not:
- 528 (i) collect any fee associated with the removal; or
529 (ii) begin charging storage fees.
- 530 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be
531 removed to:
- 532 (i) a state impound yard; or
533 (ii) a location that has been requested by the registered owner at the time of removal,
534 if payment is made to the tow truck motor carrier or tow truck operator at the time
535 of removal.
- 536 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
537 State Tax Commission may make rules to establish proper format and information
538 required on the form described in Subsection (5)(d), including submission in an

539 electronic format.

540 (6)(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in
541 Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner
542 described in Section 41-1a-114, to the following parties with an interest in the
543 vehicle, vessel, or outboard motor, as applicable:

544 (i) the registered owner;

545 (ii) any lien holder; or

546 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard
547 motor is currently operating under a temporary permit issued by the dealer, as
548 described in Section 41-3-302.

549 (b) The notice shall:

550 (i) state the date, time, and place of removal, the name, if applicable, of the person
551 operating the vehicle, vessel, or outboard motor at the time of removal, the reason
552 for removal, and the place where the vehicle, vessel, or outboard motor is stored;

553 (ii) state that the registered owner is responsible for payment of towing, impound,
554 and storage fees charged against the vehicle, vessel, or outboard motor;

555 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
556 motor is released; and

557 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the
558 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal
559 or impoundment under this section, one of the parties fails to make a claim for
560 release of the vehicle, vessel, or outboard motor.

561 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor
562 is not registered in this state, the Motor Vehicle Division shall make a reasonable
563 effort to notify the parties described in Subsection (6)(a) of the removal and the place
564 where the vehicle, vessel, or outboard motor is stored.

565 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6)
566 if a report was received by a tow truck operator or tow truck motor carrier reporting a
567 tow truck service in accordance with Subsection 72-9-603(1)(a)(i).

568 (e)(i) The Motor Vehicle Division shall disclose the information in the report
569 described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent
570 as defined in Section 41-12a-802 regarding a tow that was initiated:

571 (A) by law enforcement; or

572 (B) without the vehicle owner's consent.

- 573 (ii) The Motor Vehicle Division may rely on the information provided by the tow
574 truck operator or tow truck motor carrier to determine if a tow meets the criteria
575 described in Subsections (6)(e)(i)(A) and (B).
- 576 (iii) The designated agent may disclose information received regarding a tow
577 described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the
578 vehicle owner's verified insurance company.
- 579 (iv) The designated agent may not disclose information to a vehicle owner's
580 insurance company if the tow does not meet the criteria described in Subsections
581 (6)(e)(i)(A) and (B).
- 582 (7)(a) The vehicle, vessel, or outboard motor impounded or removed to a state impound
583 yard as described in this section shall be released after a party described in
584 Subsection (6)(a) or (7)(f):
- 585 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
586 the State Tax Commission;
- 587 (ii) presents identification sufficient to prove ownership of the impounded or
588 removed vehicle, vessel, or outboard motor;
- 589 (iii) completes the registration, if needed, and pays the appropriate fees;
- 590 (iv) if the impoundment was made under Section 41-6a-527 or Subsection
591 41-1a-1101(3), pays:
- 592 (A) an administrative impound fee of \$425; and
593 (B) in addition to the administrative fee described in Subsection (7)(a)(iv)(A), an
594 administrative testing fee of \$30; and
- 595 (v) pays all towing and storage fees to the place where the vehicle, vessel, or
596 outboard motor is stored.
- 597 (b)(i) Twenty-nine dollars of the administrative impound fee assessed under
598 Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.
- 599 (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed
600 under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public
601 Safety Restricted Account created in Section 53-3-106.
- 602 (iii) Twenty dollars of the administrative impound fee assessed under Subsection
603 (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund
604 created in Section 26B-1-318.
- 605 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the
606 remainder of the administrative impound fee assessed under Subsection

- 607 (7)(a)(iv)(A) shall be deposited into the General Fund.
- 608 (v) The administrative testing fee described in Subsection (7)(a)(iv)(B) shall be
609 deposited into the State Laboratory Drug Testing Account created in Section
610 26B-1-304.
- 611 (c) The administrative impound fee and the administrative testing fee assessed under
612 Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the
613 registered owner, lien holder, or owner's agent presents written evidence to the State
614 Tax Commission that:
- 615 (i) the Driver License Division determined that the arrested person's driver license
616 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as
617 shown by a letter or other report from the Driver License Division presented
618 within 180 days after the day on which the Driver License Division mailed the
619 final notification; or
- 620 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
621 stolen vehicle report presented within 180 days after the day of the impoundment.
- 622 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
623 payment by cash and debit or credit card for a removal or impoundment under
624 Subsection (1) or any service rendered, performed, or supplied in connection with a
625 removal or impoundment under Subsection (1).
- 626 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
627 impounded vehicle, vessel, or outboard motor if:
- 628 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
629 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
630 Subsection (6)(a), even if the party satisfies the requirements to release the
631 vehicle, vessel, or outboard motor under this Subsection (7).
- 632 (f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or
633 outboard motor impounded or removed to a state impound yard as described in this
634 section shall be released to an individual that is not described in Subsection (6)(a) if
635 the individual:
- 636 (i)(A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);
637 (B) presents the individual's driver license or other government-issued
638 identification; and
639 (C) demonstrates that the individual has authority granted by a person described in
640 Subsection (6)(a) to obtain and operate the vehicle; or

- 641 (ii) is a tow truck operator or tow truck motor carrier that:
- 642 (A) demonstrates that the tow truck operator or tow truck motor carrier has
- 643 authority granted by a person described in Subsection (6)(a) to obtain and
- 644 operate the vehicle, vessel, or outboard motor;
- 645 (B) provides [~~a towing~~] the driver's tow truck operator certificate issued by the
- 646 Department of Transportation [~~pursuant to~~] in accordance with Section 72-9-602;
- 647 (C) pays all towing and storage fees; and
- 648 (D) obtains or presents an impound release for the vehicle, vessel, or outboard
- 649 motor [~~pursuant to~~] in accordance with Subsection (7)(a).
- 650 (8)(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by
- 651 a party described in Subsection (6)(a) or (7)(f) within the time prescribed by Section
- 652 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the
- 653 impounded or removed vehicle, vessel, or outboard motor as described in Section
- 654 41-1a-1103.
- 655 (b) The date of impoundment or removal is considered the date of seizure for computing
- 656 the time period provided under Section 41-1a-1103.
- 657 (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the
- 658 impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause
- 659 of action for all the fees and charges, together with damages, court costs, and attorney
- 660 fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused
- 661 the removal or impoundment.
- 662 (10)(a) As used in this Subsection (10), "life essential item" means the same as that term
- 663 is defined in Subsection 72-9-603(13).
- 664 (b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,
- 665 or outboard motor.
- 666 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any
- 667 nonlife essential items contained in the vehicle, vessel, or outboard motor.
- 668 (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck
- 669 operator, a tow truck motor carrier, or an impound yard shall allow a person
- 670 described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to
- 671 take possession of any life essential item within the vehicle, vessel, or outboard
- 672 motor during normal business hours regardless of whether the towing, impound fees,
- 673 or storage fees have been paid.
- 674 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon

675 payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an
 676 impound yard shall allow a person described in Subsection (6)(a) or an individual
 677 described in Subsection (7)(f)(i) to enter the vehicle, vessel, or outboard motor during
 678 normal business hours and remove personal property not attached to the vehicle,
 679 vessel, or outboard motor.

680 (11)(a) If the tow truck motor carrier, tow truck operator, or state impound yard fails to
 681 release the vehicle, vessel, or outboard motor in accordance with Subsection (7), the
 682 individual acting on behalf of the tow truck motor carrier, tow truck operator, or state
 683 impound yard may be charged with a violation described in Section 41-1a-1314.

684 (b) Subsection (11)(a) may be enforced by:

685 (i) a local law enforcement agency;

686 (ii) Utah Highway Patrol; or

687 (iii) the Motor Vehicle Enforcement Division created in Section 41-3-104.

688 ~~[(11)]~~ (12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 689 the department shall make rules setting the performance standards for towing companies
 690 to be used by the department.

691 ~~[(12)]~~ (13)(a) The Motor Vehicle Division may specify that a report required under
 692 Subsection (4) be submitted in electronic form utilizing a database for submission,
 693 storage, and retrieval of the information.

694 (b)(i) Unless otherwise provided by statute, the Motor Vehicle Division or the
 695 administrator of the database may adopt a schedule of fees assessed for utilizing
 696 the database.

697 (ii) The fees under this Subsection ~~[(12)(b)]~~ (13)(b) shall:

698 (A) be reasonable and fair; and

699 (B) reflect the cost of administering the database.

700 Section 6. Section **53-1-106.2** is amended to read:

701 **53-1-106.2 (Effective 05/06/26). Towing dispatch program.**

702 (1) As used in this section, "towing dispatch vendor" means a vendor that provides a
 703 product or technology capable of increasing efficiency, effectiveness, and transparency
 704 in the dispatching of towing providers and management of towing rotations.

705 (2) An interlocal agency established ~~[pursuant to]~~ under Title 11, Chapter 13, Interlocal
 706 Cooperation Act, a special service district established ~~[pursuant to]~~ under Title 17D,
 707 Chapter 1, Special Service District Act, a political subdivision, or a state agency may
 708 enter into a contract with a ~~[vendor that provides a product or technology capable of~~

- 709 increasing efficiency, effectiveness, and transparency in the dispatching of towing
 710 providers and management of towing rotations.] towing dispatch vendor.
- 711 [~~(2)~~] (3) [The] A product or technology [described in Subsection (1)] provided by a towing
 712 dispatch vendor shall comply with the following requirements and capabilities:
- 713 (a) decreasing delays associated with requesting and dispatching a tow truck motor
 714 carrier from an established tow rotation;
- 715 (b) increasing information, transparency, and data collection associated with tow
 716 rotation operations, including dispatching, response time, completion, clearance, and
 717 storage; and
- 718 (c) increasing responder and traffic safety by reducing secondary crashes, responder
 719 time on scene, and the impacts of traffic accidents on traffic flow and safety.
- 720 (4) A product or technology provided by a towing dispatch vendor may not require a tow
 721 truck operator to manipulate a wireless communication device in a manner that violates
 722 Section 41-6a-1716.
- 723 (5) A towing entity or towing dispatch vendor may not require a tow truck motor carrier or
 724 tow truck operator to provide or enter information into a database other than a database
 725 described in Section 41-6a-1406.
- 726 [~~(3)~~] (6) A vendor selected to provide towing dispatch management services as described in
 727 this section may not also provide towing, storage, impounding, or other services related
 728 to the operation of a towing provider.
- 729 Section 7. Section **57-1-48** is amended to read:
- 730 **57-1-48 (Effective 05/06/26). Conveyance by deed to a public entity.**
- 731 (1) [A] Subject to Subsection (5), a grantor may convey real property by deed to a public
 732 entity, and a public entity may accept real property conveyed by deed from a grantor, as
 733 described in this section.
- 734 (2) Real property conveyed to a public entity shall be conveyed by:
- 735 (a) if the conveyance is between two public entities, recording a deed conveying real
 736 property;
- 737 (b) if there is no purchaser for a property offered at a tax sale, complying with the
 738 procedure described in Section 59-2-1351.3; and
- 739 (c) if the grantor is not a public entity:
- 740 (i) recording a deed conveying real property along with a public entity affidavit that
 741 complies with Subsection (4); or
- 742 (ii) recording a deed that has been notarized and signed by:

- 743 (A) the grantor of the property; and
 744 (B) an authorized representative of the public entity.
- 745 (3) A conveyance of real property by deed that is recorded in a county recorder's office
 746 after ~~[July 1, 2025]~~ May 6, 2026, is voidable by the public entity intended to receive the
 747 real property until the earlier of the day on which:
 748 (a) a public entity affidavit approving the transfer is recorded; or
 749 (b) the deed conveying the real property is signed by an authorized employee or officer
 750 of the public entity.
- 751 (4) A public entity affidavit shall be in substantially the following form:
 752 "PUBLIC ENTITY AFFIDAVIT
 753 I, _____(insert name), being of legal age and authorized by _____ (name
 754 of public entity), hereafter "public entity," being first duly sworn, depose and state as follows:
 755 The public entity consents to the conveyance of real property by deed from _____
 756 (name of grantor(s)). By signing this Public Entity Affidavit, the public entity accepts the
 757 ownership of the real property described in the attached legal description.
 758 The public entity does not guarantee or provide an opinion as to the proper form or validity
 759 of any conveyance document related to the real property described in the attached legal
 760 description.
 761 This Public Entity Affidavit is intended to evidence that the public entity consents to
 762 _____ (name of grantor(s)) conveying the real property described in the attached legal
 763 description to the public entity."
- 764 (5) As used in this section, "public entity" does not include the Department of
 765 Transportation.
- 766 Section 8. Section **59-12-104** is amended to read:
 767 **59-12-104 (Effective 07/01/26). Exemptions.**
 768 Exemptions from the taxes imposed by this chapter are as follows:
 769 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax
 770 under Chapter 13, Motor and Special Fuel Tax Act;
 771 (2) subject to Section 59-12-104.6, sales to the state, [its] the state's institutions, and [its] the
 772 state's political subdivisions[;] , however, this exemption does not apply to sales of:
 773 (a) construction materials except:
 774 (i) construction materials purchased by or on behalf of institutions of the public
 775 education system as defined in Utah Constitution, Article X, Section 2, provided
 776 the construction materials are clearly identified and segregated and installed or

- 777 converted to real property which is owned by institutions of the public education
778 system;[~~and~~]
- 779 (ii) construction materials purchased by the state, its institutions, or its political
780 subdivisions which are installed or converted to real property by employees of the
781 state, its institutions, or its political subdivisions; [~~or~~] and
- 782 (iii) construction materials purchased by or on behalf of the Department of
783 Transportation as part of a fixed guideway capital development project for which
784 the department has oversight and supervision as described in Section 72-1-203; or
- 785 (b) tangible personal property in connection with the construction, operation,
786 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or
787 facilities providing additional project capacity, as defined in Section 11-13-103;
- 788 (3)(a) sales of an item described in Subsection (3)(b) from a vending machine if:
789 (i) the proceeds of each sale do not exceed \$1; and
790 (ii) the seller or operator of the vending machine reports an amount equal to 150% of
791 the cost of the item described in Subsection (3)(b) as goods consumed; and
- 792 (b) Subsection (3)(a) applies to:
793 (i) food and food ingredients; or
794 (ii) prepared food;
- 795 (4)(a) sales of the following to a commercial airline carrier for in-flight consumption:
796 (i) alcoholic beverages;
797 (ii) food and food ingredients; or
798 (iii) prepared food;
- 799 (b) sales of tangible personal property or a product transferred electronically:
800 (i) to a passenger;
801 (ii) by a commercial airline carrier; and
802 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or
- 803 (c) services related to Subsection (4)(a) or (b);
- 804 (5) sales of parts and equipment for installation in an aircraft operated by a common carrier
805 in interstate or foreign commerce;
- 806 (6) sales of commercials, motion picture films, prerecorded audio program tapes or records,
807 and prerecorded video tapes by a producer, distributor, or studio to a motion picture
808 exhibitor, distributor, or commercial television or radio broadcaster;
- 809 (7)(a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of
810 cleaning or washing of tangible personal property if the cleaning or washing of the

- 811 tangible personal property is not assisted cleaning or washing of tangible personal
812 property;
- 813 (b) if a seller that sells at the same business location assisted cleaning or washing of
814 tangible personal property and cleaning or washing of tangible personal property that
815 is not assisted cleaning or washing of tangible personal property, the exemption
816 described in Subsection (7)(a) applies if the seller separately accounts for the sales of
817 the assisted cleaning or washing of the tangible personal property; and
- 818 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3, Utah
819 Administrative Rulemaking Act, the commission may make rules:
- 820 (i) governing the circumstances under which sales are at the same business location;
821 and
- 822 (ii) establishing the procedures and requirements for a seller to separately account for
823 sales of assisted cleaning or washing of tangible personal property;
- 824 (8) sales made to or by religious or charitable institutions in the conduct of their regular
825 religious or charitable functions and activities, if the requirements of Section 59-12-104.1
826 are fulfilled;
- 827 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of this
828 state if:
- 829 (a) the sale is not from the vehicle's lessor to the vehicle's lessee;
- 830 (b) the vehicle is not registered in this state; and
- 831 (c)(i) the vehicle is not used in this state; or
- 832 (ii) the vehicle is used in this state:
- 833 (A) if the vehicle is not used to conduct business, for a time period that does not
834 exceed the longer of:
- 835 (I) 30 days in any calendar year; or
- 836 (II) the time period necessary to transport the vehicle to the borders of this
837 state; or
- 838 (B) if the vehicle is used to conduct business, for the time period necessary to
839 transport the vehicle to the borders of this state;
- 840 (10)(a) amounts paid for an item described in Subsection (10)(b) if:
- 841 (i) the item is intended for human use; and
- 842 (ii)(A) a prescription was issued for the item; or
- 843 (B) the item was purchased by a hospital or other medical facility; and
- 844 (b)(i) Subsection (10)(a) applies to:

- 845 (A) a drug;
- 846 (B) a syringe; or
- 847 (C) a stoma supply; and
- 848 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 849 the commission may by rule define the terms:
- 850 (A) "syringe"; or
- 851 (B) "stoma supply";
- 852 (11) purchases or leases exempt under Section 19-12-201;
- 853 (12)(a) sales of an item described in Subsection (12)(c) served by:
- 854 (i) the following if the item described in Subsection (12)(c) is not available to the
- 855 general public:
- 856 (A) a church; or
- 857 (B) a charitable institution; or
- 858 (ii) an institution of higher education if:
- 859 (A) the item described in Subsection (12)(c) is not available to the general public;
- 860 or
- 861 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal
- 862 plan offered by the institution of higher education;
- 863 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
- 864 (i) a medical facility; or
- 865 (ii) a nursing facility; and
- 866 (c) Subsections (12)(a) and (b) apply to:
- 867 (i) food and food ingredients;
- 868 (ii) prepared food; or
- 869 (iii) alcoholic beverages;
- 870 (13)(a) except as provided in Subsection (13)(b), the sale of tangible personal property
- 871 or a product transferred electronically by a person:
- 872 (i) regardless of the number of transactions involving the sale of that tangible
- 873 personal property or product transferred electronically by that person; and
- 874 (ii) not regularly engaged in the business of selling that type of tangible personal
- 875 property or product transferred electronically;
- 876 (b) this Subsection (13) does not apply if:
- 877 (i) the sale is one of a series of sales of a character to indicate that the person is
- 878 regularly engaged in the business of selling that type of tangible personal property

- 879 or product transferred electronically;
- 880 (ii) the person holds that person out as regularly engaged in the business of selling
- 881 that type of tangible personal property or product transferred electronically;
- 882 (iii) the person sells an item of tangible personal property or product transferred
- 883 electronically that the person purchased as a sale that is exempt under Subsection
- 884 (25); or
- 885 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws
- 886 of this state in which case the tax is based upon:
- 887 (A) the bill of sale, lease agreement, or other written evidence of value of the
- 888 vehicle or vessel being sold; or
- 889 (B) in the absence of a bill of sale, lease agreement, or other written evidence of
- 890 value, the fair market value of the vehicle or vessel being sold at the time of the
- 891 sale as determined by the commission; and
- 892 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 893 commission shall make rules establishing the circumstances under which:
- 894 (i) a person is regularly engaged in the business of selling a type of tangible personal
- 895 property or product transferred electronically;
- 896 (ii) a sale of tangible personal property or a product transferred electronically is one
- 897 of a series of sales of a character to indicate that a person is regularly engaged in
- 898 the business of selling that type of tangible personal property or product
- 899 transferred electronically; or
- 900 (iii) a person holds that person out as regularly engaged in the business of selling a
- 901 type of tangible personal property or product transferred electronically;
- 902 (14) amounts paid or charged for a purchase or lease of machinery, equipment, normal
- 903 operating repair or replacement parts, or materials, except for office equipment or office
- 904 supplies, by:
- 905 (a) a manufacturing facility that:
- 906 (i) is located in the state; and
- 907 (ii) uses or consumes the machinery, equipment, normal operating repair or
- 908 replacement parts, or materials:
- 909 (A) in the manufacturing process to manufacture an item sold as tangible personal
- 910 property, as the commission may define that phrase in accordance with Title
- 911 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 912 (B) for a scrap recycler, to process an item sold as tangible personal property, as

913 the commission may define that phrase in accordance with Title 63G, Chapter 3,
914 Utah Administrative Rulemaking Act;

915 (b) an establishment, as the commission defines that term in accordance with Title 63G,
916 Chapter 3, Utah Administrative Rulemaking Act, that:

917 (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS
918 Code 213113, Support Activities for Coal Mining, 213114, Support Activities for
919 Metal Mining, or 213115, Support Activities for Nonmetallic Minerals (except
920 Fuels) Mining, of the 2002 North American Industry Classification System of the
921 federal Executive Office of the President, Office of Management and Budget;

922 (ii) is located in the state; and

923 (iii) uses or consumes the machinery, equipment, normal operating repair or
924 replacement parts, or materials in:

925 (A) the production process to produce an item sold as tangible personal property,
926 as the commission may define that phrase in accordance with Title 63G,
927 Chapter 3, Utah Administrative Rulemaking Act;

928 (B) research and development, as the commission may define that phrase in
929 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

930 (C) transporting, storing, or managing tailings, overburden, or similar waste
931 materials produced from mining;

932 (D) developing or maintaining a road, tunnel, excavation, or similar feature used
933 in mining; or

934 (E) preventing, controlling, or reducing dust or other pollutants from mining; or

935 (c) an establishment, as the commission defines that term in accordance with Title 63G,
936 Chapter 3, Utah Administrative Rulemaking Act, that:

937 (i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North
938 American Industry Classification System of the federal Executive Office of the
939 President, Office of Management and Budget;

940 (ii) is located in the state; and

941 (iii) uses or consumes the machinery, equipment, normal operating repair or
942 replacement parts, or materials in the operation of the web search portal;

943 (15)(a) sales of the following if the requirements of Subsection (15)(b) are met:

944 (i) tooling;

945 (ii) special tooling;

946 (iii) support equipment;

- 947 (iv) special test equipment; or
- 948 (v) parts used in the repairs or renovations of tooling or equipment described in
- 949 Subsections (15)(a)(i) through (iv); and
- 950 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:
- 951 (i) the tooling, equipment, or parts are used or consumed exclusively in the
- 952 performance of any aerospace or electronics industry contract with the United
- 953 States government or any subcontract under that contract; and
- 954 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),
- 955 title to the tooling, equipment, or parts is vested in the United States government
- 956 as evidenced by:
- 957 (A) a government identification tag placed on the tooling, equipment, or parts; or
- 958 (B) listing on a government-approved property record if placing a government
- 959 identification tag on the tooling, equipment, or parts is impractical;
- 960 (16) sales of newspapers or newspaper subscriptions;
- 961 (17)(a) except as provided in Subsection (17)(b), tangible personal property or a product
- 962 transferred electronically traded in as full or part payment of the purchase price,
- 963 except that for purposes of calculating sales or use tax upon vehicles not sold by a
- 964 vehicle dealer, trade-ins are limited to other vehicles only, and the tax is based upon:
- 965 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
- 966 vehicle being traded in; or
- 967 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
- 968 fair market value of the vehicle being sold and the vehicle being traded in, as
- 969 determined by the commission; and
- 970 (b) Subsection (17)(a) does not apply to the following items of tangible personal
- 971 property or products transferred electronically traded in as full or part payment of the
- 972 purchase price:
- 973 (i) money;
- 974 (ii) electricity;
- 975 (iii) water;
- 976 (iv) gas; or
- 977 (v) steam;
- 978 (18)(a)(i) except as provided in Subsection (18)(b), sales of tangible personal
- 979 property or a product transferred electronically used or consumed primarily and
- 980 directly in farming operations, regardless of whether the tangible personal

- 981 property or product transferred electronically:
- 982 (A) becomes part of real estate; or
- 983 (B) is installed by a farmer, contractor, or subcontractor; or
- 984 (ii) sales of parts used in the repairs or renovations of tangible personal property or a
- 985 product transferred electronically if the tangible personal property or product
- 986 transferred electronically is exempt under Subsection (18)(a)(i); and
- 987 (b) amounts paid or charged for the following are subject to the taxes imposed by this
- 988 chapter:
- 989 (i)(A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or
- 990 supplies if used in a manner that is incidental to farming; and
- 991 (B) tangible personal property that is considered to be used in a manner that is
- 992 incidental to farming includes:
- 993 (I) hand tools; or
- 994 (II) maintenance and janitorial equipment and supplies;
- 995 (ii)(A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product
- 996 transferred electronically if the tangible personal property or product
- 997 transferred electronically is used in an activity other than farming; and
- 998 (B) tangible personal property or a product transferred electronically that is
- 999 considered to be used in an activity other than farming includes:
- 1000 (I) office equipment and supplies; or
- 1001 (II) equipment and supplies used in:
- 1002 (Aa) the sale or distribution of farm products;
- 1003 (Bb) research; or
- 1004 (Cc) transportation; or
- 1005 (iii) a vehicle required to be registered by the laws of this state during the period
- 1006 ending two years after the date of the vehicle's purchase;
- 1007 (19) sales of hay;
- 1008 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or garden,
- 1009 farm, or other agricultural produce if the seasonal crops are, seedling plants are, or
- 1010 garden, farm, or other agricultural produce is sold by:
- 1011 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other
- 1012 agricultural produce;
- 1013 (b) an employee of the producer described in Subsection (20)(a); or
- 1014 (c) a member of the immediate family of the producer described in Subsection (20)(a);

- 1015 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued under
1016 the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;
- 1017 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,
1018 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,
1019 wholesaler, or retailer for use in packaging tangible personal property to be sold by that
1020 manufacturer, processor, wholesaler, or retailer;
- 1021 (23) a product stored in the state for resale;
- 1022 (24)(a) purchases of a product if:
- 1023 (i) the product is:
- 1024 (A) purchased outside of this state;
- 1025 (B) brought into this state:
- 1026 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and
- 1027 (II) by a nonresident person who is not living or working in this state at the
1028 time of the purchase;
- 1029 (C) used for the personal use or enjoyment of the nonresident person described in
1030 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state;
1031 and
- 1032 (D) not used in conducting business in this state; and
- 1033 (ii) for:
- 1034 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use
1035 of the product for a purpose for which the product is designed occurs outside of
1036 this state;
- 1037 (B) a boat, the boat is registered outside of this state; or
- 1038 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is
1039 registered outside of this state;
- 1040 (b) the exemption provided for in Subsection (24)(a) does not apply to:
- 1041 (i) a lease or rental of a product; or
- 1042 (ii) a sale of a vehicle exempt under Subsection (33); and
- 1043 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
1044 purposes of Subsection (24)(a), the commission may by rule define what constitutes
1045 the following:
- 1046 (i) conducting business in this state if that phrase has the same meaning in this
1047 Subsection (24) as in Subsection (63);
- 1048 (ii) the first use of a product if that phrase has the same meaning in this Subsection

- 1049 (24) as in Subsection (63); or
- 1050 (iii) a purpose for which a product is designed if that phrase has the same meaning in
- 1051 this Subsection (24) as in Subsection (63);
- 1052 (25) a product purchased for resale in the regular course of business, either in the product's
- 1053 original form or as an ingredient or component part of a manufactured or compounded
- 1054 product;
- 1055 (26) a product upon which a sales or use tax was paid to some other state, or one of another
- 1056 state's subdivisions, except that the state shall be paid any difference between the tax
- 1057 paid and the tax imposed by this part and Part 2, Local Sales and Use Tax Act, and no
- 1058 adjustment is allowed if the tax paid was greater than the tax imposed by this part and
- 1059 Part 2, Local Sales and Use Tax Act;
- 1060 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a person
- 1061 for use in compounding a service taxable under the subsections;
- 1062 (28) purchases made in accordance with the special supplemental nutrition program for
- 1063 women, infants, and children established in 42 U.S.C. Sec. 1786;
- 1064 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other replacement
- 1065 parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code 3312 of
- 1066 the 1987 Standard Industrial Classification Manual of the federal Executive Office of the
- 1067 President, Office of Management and Budget;
- 1068 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
- 1069 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard
- 1070 motor is:
- 1071 (a) not registered in this state; and
- 1072 (b)(i) not used in this state; or
- 1073 (ii) used in this state:
- 1074 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for
- 1075 a time period that does not exceed the longer of:
- 1076 (I) 30 days in any calendar year; or
- 1077 (II) the time period necessary to transport the boat, boat trailer, or outboard
- 1078 motor to the borders of this state; or
- 1079 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the
- 1080 time period necessary to transport the boat, boat trailer, or outboard motor to
- 1081 the borders of this state;
- 1082 (31) sales of aircraft manufactured in Utah;

- 1083 (32) amounts paid for the purchase of telecommunications service for purposes of
1084 providing telecommunications service;
- 1085 (33) sales, leases, or uses of the following:
- 1086 (a) a vehicle by an authorized carrier; or
- 1087 (b) tangible personal property that is installed on a vehicle:
- 1088 (i) sold or leased to or used by an authorized carrier; and
- 1089 (ii) before the vehicle is placed in service for the first time;
- 1090 (34)(a) 45% of the sales price of any new manufactured home; and
- 1091 (b) 100% of the sales price of any used manufactured home;
- 1092 (35) sales relating to schools and fundraising sales;
- 1093 (36) sales or rentals of durable medical equipment if:
- 1094 (a) a person presents a prescription for the durable medical equipment; and
- 1095 (b) the durable medical equipment is used for home use only;
- 1096 (37)(a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
1097 Section 72-11-102; and
- 1098 (b) the commission shall by rule determine the method for calculating sales exempt
1099 under Subsection (37)(a) that are not separately metered and accounted for in utility
1100 billings;
- 1101 (38) sales to a ski resort of:
- 1102 (a) snowmaking equipment;
- 1103 (b) ski slope grooming equipment;
- 1104 (c) passenger ropeways as defined in Section 72-11-102; or
- 1105 (d) parts used in the repairs or renovations of equipment or passenger ropeways
1106 described in Subsections (38)(a) through (c);
- 1107 (39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal, fuel
1108 oil, or other fuels for industrial use;
- 1109 (40)(a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
1110 amusement, entertainment, or recreation an unassisted amusement device as defined
1111 in Section 59-12-102;
- 1112 (b) if a seller that sells or rents at the same business location the right to use or operate
1113 for amusement, entertainment, or recreation one or more unassisted amusement
1114 devices and one or more assisted amusement devices, the exemption described in
1115 Subsection (40)(a) applies if the seller separately accounts for the sales or rentals of
1116 the right to use or operate for amusement, entertainment, or recreation for the assisted

- 1117 amusement devices; and
- 1118 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3, Utah
1119 Administrative Rulemaking Act, the commission may make rules:
- 1120 (i) governing the circumstances under which sales are at the same business location;
1121 and
- 1122 (ii) establishing the procedures and requirements for a seller to separately account for
1123 the sales or rentals of the right to use or operate for amusement, entertainment, or
1124 recreation for assisted amusement devices;
- 1125 (41)(a) sales of photocopies by:
- 1126 (i) a governmental entity; or
- 1127 (ii) an entity within the state system of public education, including:
- 1128 (A) a school; or
- 1129 (B) the State Board of Education; or
- 1130 (b) sales of publications by a governmental entity;
- 1131 (42) amounts paid for admission to an athletic event at an institution of higher education
1132 that is subject to the provisions of Title IX of the Education Amendments of 1972, 20
1133 U.S.C. Sec. 1681 et seq.;
- 1134 (43)(a) sales made to or by:
- 1135 (i) an area agency on aging; or
- 1136 (ii) a senior citizen center owned by a county, city, or town; or
- 1137 (b) sales made by a senior citizen center that contracts with an area agency on aging;
- 1138 (44) sales or leases of semiconductor fabricating, processing, research, or development
1139 materials regardless of whether the semiconductor fabricating, processing, research, or
1140 development materials:
- 1141 (a) actually come into contact with a semiconductor; or
- 1142 (b) ultimately become incorporated into real property;
- 1143 (45) an amount paid by or charged to a purchaser for accommodations and services
1144 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under
1145 Section 59-12-104.2;
- 1146 (46) the lease or use of a vehicle issued a temporary sports event registration certificate in
1147 accordance with Section 41-3-306 for the event period specified on the temporary sports
1148 event registration certificate;
- 1149 (47)(a) sales or uses of electricity, if the sales or uses are made under a retail tariff
1150 adopted by the Public Service Commission only for purchase of electricity produced

- 1151 from a new alternative energy source built after January 1, 2016, as designated in the
1152 tariff by the Public Service Commission; and
- 1153 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies
1154 only to the portion of the tariff rate a customer pays under the tariff described in
1155 Subsection (47)(a) that exceeds the tariff rate under the tariff described in Subsection
1156 (47)(a) that the customer would have paid absent the tariff;
- 1157 (48) sales or rentals of mobility enhancing equipment if a person presents a prescription for
1158 the mobility enhancing equipment;
- 1159 (49) sales of water in a:
- 1160 (a) pipe;
- 1161 (b) conduit;
- 1162 (c) ditch; or
- 1163 (d) reservoir;
- 1164 (50) sales of currency or coins that constitute legal tender of a state, the United States, or a
1165 foreign nation;
- 1166 (51)(a) sales of an item described in Subsection (51)(b) if the item:
- 1167 (i) does not constitute legal tender of a state, the United States, or a foreign nation;
- 1168 and
- 1169 (ii) has a gold, silver, or platinum content of 50% or more; and
- 1170 (b) Subsection (51)(a) applies to a gold, silver, or platinum:
- 1171 (i) ingot;
- 1172 (ii) bar;
- 1173 (iii) medallion; or
- 1174 (iv) decorative coin;
- 1175 (52) amounts paid on a sale-leaseback transaction;
- 1176 (53) sales of a prosthetic device:
- 1177 (a) for use on or in a human; and
- 1178 (b)(i) for which a prescription is required; or
- 1179 (ii) if the prosthetic device is purchased by a hospital or other medical facility;
- 1180 (54)(a) except as provided in Subsection (54)(b), purchases, leases, or rentals of
1181 machinery or equipment by an establishment described in Subsection (54)(c) if the
1182 machinery or equipment is primarily used in the production or postproduction of the
1183 following media for commercial distribution:
- 1184 (i) a motion picture;

- 1185 (ii) a television program;
- 1186 (iii) a movie made for television;
- 1187 (iv) a music video;
- 1188 (v) a commercial;
- 1189 (vi) a documentary; or
- 1190 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
- 1191 commission by administrative rule made in accordance with Subsection (54)(d);
- 1192 (b) purchases, leases, or rentals of machinery or equipment by an establishment
- 1193 described in Subsection (54)(c) that is used for the production or postproduction of
- 1194 the following are subject to the taxes imposed by this chapter:
- 1195 (i) a live musical performance;
- 1196 (ii) a live news program; or
- 1197 (iii) a live sporting event;
- 1198 (c) the following establishments listed in the 1997 North American Industry
- 1199 Classification System of the federal Executive Office of the President, Office of
- 1200 Management and Budget, apply to Subsections (54)(a) and (b):
- 1201 (i) NAICS Code 512110; or
- 1202 (ii) NAICS Code 51219; and
- 1203 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1204 commission may by rule:
- 1205 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);
- 1206 or
- 1207 (ii) define:
- 1208 (A) "commercial distribution";
- 1209 (B) "live musical performance";
- 1210 (C) "live news program"; or
- 1211 (D) "live sporting event";
- 1212 (55)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on
- 1213 or before June 30, 2027, of tangible personal property that:
- 1214 (i) is leased or purchased for or by a facility that:
- 1215 (A) is an alternative energy electricity production facility;
- 1216 (B) is located in the state; and
- 1217 (C)(I) becomes operational on or after July 1, 2004; or
- 1218 (II) has its generation capacity increased by one or more megawatts on or after

1219 July 1, 2004, as a result of the use of the tangible personal property;

- 1220 (ii) has an economic life of five or more years; and
- 1221 (iii) is used to make the facility or the increase in capacity of the facility described in
- 1222 Subsection (55)(a)(i) operational up to the point of interconnection with an
- 1223 existing transmission grid including:
- 1224 (A) a wind turbine;
- 1225 (B) generating equipment;
- 1226 (C) a control and monitoring system;
- 1227 (D) a power line;
- 1228 (E) substation equipment;
- 1229 (F) lighting;
- 1230 (G) fencing;
- 1231 (H) pipes; or
- 1232 (I) other equipment used for locating a power line or pole; and
- 1233 (b) this Subsection (55) does not apply to:
- 1234 (i) tangible personal property used in construction of:
- 1235 (A) a new alternative energy electricity production facility; or
- 1236 (B) the increase in the capacity of an alternative energy electricity production
- 1237 facility;
- 1238 (ii) contracted services required for construction and routine maintenance activities;
- 1239 and
- 1240 (iii) unless the tangible personal property is used or acquired for an increase in
- 1241 capacity of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal
- 1242 property used or acquired after:
- 1243 (A) the alternative energy electricity production facility described in Subsection
- 1244 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or
- 1245 (B) the increased capacity described in Subsection (55)(a)(i) is operational as
- 1246 described in Subsection (55)(a)(iii);
- 1247 (56)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on
- 1248 or before June 30, 2027, of tangible personal property that:
- 1249 (i) is leased or purchased for or by a facility that:
- 1250 (A) is a waste energy production facility;
- 1251 (B) is located in the state; and
- 1252 (C)(I) becomes operational on or after July 1, 2004; or

- 1253 (II) has its generation capacity increased by one or more megawatts on or after
1254 July 1, 2004, as a result of the use of the tangible personal property;
- 1255 (ii) has an economic life of five or more years; and
- 1256 (iii) is used to make the facility or the increase in capacity of the facility described in
1257 Subsection (56)(a)(i) operational up to the point of interconnection with an
1258 existing transmission grid including:
- 1259 (A) generating equipment;
- 1260 (B) a control and monitoring system;
- 1261 (C) a power line;
- 1262 (D) substation equipment;
- 1263 (E) lighting;
- 1264 (F) fencing;
- 1265 (G) pipes; or
- 1266 (H) other equipment used for locating a power line or pole; and
- 1267 (b) this Subsection (56) does not apply to:
- 1268 (i) tangible personal property used in construction of:
- 1269 (A) a new waste energy facility; or
- 1270 (B) the increase in the capacity of a waste energy facility;
- 1271 (ii) contracted services required for construction and routine maintenance activities;
- 1272 and
- 1273 (iii) unless the tangible personal property is used or acquired for an increase in
1274 capacity described in Subsection (56)(a)(i)(C)(II), tangible personal property used
1275 or acquired after:
- 1276 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as
1277 described in Subsection (56)(a)(iii); or
- 1278 (B) the increased capacity described in Subsection (56)(a)(i) is operational as
1279 described in Subsection (56)(a)(iii);
- 1280 (57)(a) leases of five or more years or purchases made on or after July 1, 2004, but on or
1281 before June 30, 2027, of tangible personal property that:
- 1282 (i) is leased or purchased for or by a facility that:
- 1283 (A) is located in the state;
- 1284 (B) produces fuel from alternative energy, including:
- 1285 (I) methanol; or
- 1286 (II) ethanol; and

- 1287 (C)(I) becomes operational on or after July 1, 2004; or
- 1288 (II) has its capacity to produce fuel increase by 25% or more on or after July 1,
- 1289 2004, as a result of the installation of the tangible personal property;
- 1290 (ii) has an economic life of five or more years; and
- 1291 (iii) is installed on the facility described in Subsection (57)(a)(i);
- 1292 (b) this Subsection (57) does not apply to:
- 1293 (i) tangible personal property used in construction of:
- 1294 (A) a new facility described in Subsection (57)(a)(i); or
- 1295 (B) the increase in capacity of the facility described in Subsection (57)(a)(i);
- 1296 (ii) contracted services required for construction and routine maintenance activities;
- 1297 and
- 1298 (iii) unless the tangible personal property is used or acquired for an increase in
- 1299 capacity described in Subsection (57)(a)(i)(C)(II), tangible personal property used
- 1300 or acquired after:
- 1301 (A) the facility described in Subsection (57)(a)(i) is operational; or
- 1302 (B) the increased capacity described in Subsection (57)(a)(i) is operational;
- 1303 (58)(a) subject to Subsection (58)(b), sales of tangible personal property or a product
- 1304 transferred electronically to a person within this state if that tangible personal
- 1305 property or product transferred electronically is subsequently shipped outside the
- 1306 state and incorporated [~~pursuant to~~] in accordance with contract into and becomes a
- 1307 part of real property located outside of this state; and
- 1308 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other
- 1309 state or political entity to which the tangible personal property is shipped imposes a
- 1310 sales, use, gross receipts, or other similar transaction excise tax on the transaction
- 1311 against which the other state or political entity allows a credit for sales and use taxes
- 1312 imposed by this chapter;
- 1313 (59) purchases:
- 1314 (a) of one or more of the following items in printed or electronic format:
- 1315 (i) a list containing information that includes one or more:
- 1316 (A) names; or
- 1317 (B) addresses; or
- 1318 (ii) a database containing information that includes one or more:
- 1319 (A) names; or
- 1320 (B) addresses; and

- 1321 (b) used to send direct mail;
- 1322 (60) redemptions or repurchases of a product by a person if that product was:
- 1323 (a) delivered to a pawnbroker as part of a pawn transaction; and
- 1324 (b) redeemed or repurchased within the time period established in a written agreement
- 1325 between the person and the pawnbroker for redeeming or repurchasing the product;
- 1326 (61)(a) purchases or leases of an item described in Subsection (61)(b) if the item:
- 1327 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;
- 1328 and
- 1329 (ii) has a useful economic life of one or more years; and
- 1330 (b) the following apply to Subsection (61)(a):
- 1331 (i) telecommunications enabling or facilitating equipment, machinery, or software;
- 1332 (ii) telecommunications equipment, machinery, or software required for 911 service;
- 1333 (iii) telecommunications maintenance or repair equipment, machinery, or software;
- 1334 (iv) telecommunications switching or routing equipment, machinery, or software; or
- 1335 (v) telecommunications transmission equipment, machinery, or software;
- 1336 (62)(a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible
- 1337 personal property or a product transferred electronically that are used in the research
- 1338 and development of alternative energy technology; and
- 1339 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1340 commission may, for purposes of Subsection (62)(a), make rules defining what
- 1341 constitutes purchases of tangible personal property or a product transferred
- 1342 electronically that are used in the research and development of alternative energy
- 1343 technology;
- 1344 (63)(a) purchases of tangible personal property or a product transferred electronically if:
- 1345 (i) the tangible personal property or product transferred electronically is:
- 1346 (A) purchased outside of this state;
- 1347 (B) brought into this state at any time after the purchase described in Subsection
- 1348 (63)(a)(i)(A); and
- 1349 (C) used in conducting business in this state; and
- 1350 (ii) for:
- 1351 (A) tangible personal property or a product transferred electronically other than
- 1352 the tangible personal property described in Subsection (63)(a)(ii)(B), the first
- 1353 use of the property for a purpose for which the property is designed occurs
- 1354 outside of this state; or

- 1355 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is
1356 registered outside of this state and not required to be registered in this state
1357 under Section 41-1a-202 or 73-18-9 based on residency;
- 1358 (b) the exemption provided for in Subsection (63)(a) does not apply to:
- 1359 (i) a lease or rental of tangible personal property or a product transferred
1360 electronically; or
- 1361 (ii) a sale of a vehicle exempt under Subsection (33); and
- 1362 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
1363 purposes of Subsection (63)(a), the commission may by rule define what constitutes
1364 the following:
- 1365 (i) conducting business in this state if that phrase has the same meaning in this
1366 Subsection (63) as in Subsection (24);
- 1367 (ii) the first use of tangible personal property or a product transferred electronically if
1368 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or
- 1369 (iii) a purpose for which tangible personal property or a product transferred
1370 electronically is designed if that phrase has the same meaning in this Subsection
1371 (63) as in Subsection (24);
- 1372 (64) sales of disposable home medical equipment or supplies if:
- 1373 (a) a person presents a prescription for the disposable home medical equipment or
1374 supplies;
- 1375 (b) the disposable home medical equipment or supplies are used exclusively by the
1376 person to whom the prescription described in Subsection (64)(a) is issued; and
- 1377 (c) the disposable home medical equipment and supplies are listed as eligible for
1378 payment under:
- 1379 (i) Title XVIII, federal Social Security Act; or
- 1380 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;
- 1381 (65) sales:
- 1382 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District
1383 Act; or
- 1384 (b) of tangible personal property to a subcontractor of a public transit district, if the
1385 tangible personal property is:
- 1386 (i) clearly identified; and
- 1387 (ii) installed or converted to real property owned by the public transit district;
- 1388 (66) sales of construction materials:

- 1389 (a) purchased on or after July 1, 2010;
- 1390 (b) purchased by, on behalf of, or for the benefit of an international airport:
- 1391 (i) located within a county of the first class; and
- 1392 (ii) that has a United States customs office on its premises; and
- 1393 (c) if the construction materials are:
- 1394 (i) clearly identified;
- 1395 (ii) segregated; and
- 1396 (iii) installed or converted to real property:
- 1397 (A) owned or operated by the international airport described in Subsection (66)(b);
- 1398 and
- 1399 (B) located at the international airport described in Subsection (66)(b);
- 1400 (67) sales of construction materials:
- 1401 (a) purchased on or after July 1, 2008;
- 1402 (b) purchased by, on behalf of, or for the benefit of a new airport:
- 1403 (i) located within a county of the second or third class, as classified in Section
- 1404 17-60-104; and
- 1405 (ii) that is owned or operated by a city in which an airline as defined in Section
- 1406 59-2-102 is headquartered; and
- 1407 (c) if the construction materials are:
- 1408 (i) clearly identified;
- 1409 (ii) segregated; and
- 1410 (iii) installed or converted to real property:
- 1411 (A) owned or operated by the new airport described in Subsection (67)(b);
- 1412 (B) located at the new airport described in Subsection (67)(b); and
- 1413 (C) as part of the construction of the new airport described in Subsection (67)(b);
- 1414 (68) except for the tax imposed by Subsection 59-12-103(2)(d), sales of fuel to a common
- 1415 carrier that is a railroad for use in a locomotive engine;
- 1416 (69) purchases and sales described in Section 63H-4-111;
- 1417 (70)(a) sales of tangible personal property to an aircraft maintenance, repair, and
- 1418 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in
- 1419 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered
- 1420 aircraft's registration lists a state or country other than this state as the location of
- 1421 registry of the fixed wing turbine powered aircraft; or
- 1422 (b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul

1423 provider in connection with the maintenance, repair, overhaul, or refurbishment in
1424 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered
1425 aircraft's registration lists a state or country other than this state as the location of
1426 registry of the fixed wing turbine powered aircraft;

1427 (71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

1428 (a) to a person admitted to an institution of higher education; and

1429 (b) by a seller, other than a bookstore owned by an institution of higher education, if
1430 51% or more of that seller's sales revenue for the previous calendar quarter are sales
1431 of a textbook for a higher education course;

1432 (72) a license fee or tax a municipality imposes in accordance with Subsection 10-1-203(5)
1433 on a purchaser from a business for which the municipality provides an enhanced level of
1434 municipal services;

1435 (73) amounts paid or charged for construction materials used in the construction of a new or
1436 expanding life science research and development facility in the state, if the construction
1437 materials are:

1438 (a) clearly identified;

1439 (b) segregated; and

1440 (c) installed or converted to real property;

1441 (74) amounts paid or charged for:

1442 (a) a purchase or lease of machinery and equipment that:

1443 (i) are used in performing qualified research:

1444 (A) as defined in Section 41(d), Internal Revenue Code; and

1445 (B) in the state; and

1446 (ii) have an economic life of three or more years; and

1447 (b) normal operating repair or replacement parts:

1448 (i) for the machinery and equipment described in Subsection (74)(a); and

1449 (ii) that have an economic life of three or more years;

1450 (75) a sale or lease of tangible personal property used in the preparation of prepared food if:

1451 (a) for a sale:

1452 (i) the ownership of the seller and the ownership of the purchaser are identical; and

1453 (ii) the seller or the purchaser paid a tax under this chapter on the purchase of that
1454 tangible personal property [~~prior to~~] before making the sale; or

1455 (b) for a lease:

1456 (i) the ownership of the lessor and the ownership of the lessee are identical; and

- 1457 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that
1458 tangible personal property [~~prior to~~] before making the lease;
- 1459 (76)(a) purchases of machinery or equipment if:
- 1460 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
1461 Gambling, and Recreation Industries, of the 2012 North American Industry
1462 Classification System of the federal Executive Office of the President, Office of
1463 Management and Budget;
- 1464 (ii) the machinery or equipment:
- 1465 (A) has an economic life of three or more years; and
1466 (B) is used by one or more persons who pay admission or user fees described in
1467 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment;
1468 and
- 1469 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
- 1470 (A) amounts paid or charged as admission or user fees described in Subsection
1471 59-12-103(1)(f); and
1472 (B) subject to taxation under this chapter; and
- 1473 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1474 commission may make rules for verifying that 51% of a purchaser's sales revenue for
1475 the previous calendar quarter is:
- 1476 (i) amounts paid or charged as admission or user fees described in Subsection
1477 59-12-103(1)(f); and
1478 (ii) subject to taxation under this chapter;
- 1479 (77) purchases of a short-term lodging consumable by a business that provides
1480 accommodations and services described in Subsection 59-12-103(1)(i);
- 1481 (78) amounts paid or charged to access a database:
- 1482 (a) if the primary purpose for accessing the database is to view or retrieve information
1483 from the database; and
1484 (b) not including amounts paid or charged for a:
- 1485 (i) digital audio work;
1486 (ii) digital audio-visual work; or
1487 (iii) digital book;
- 1488 (79) amounts paid or charged for a purchase or lease made by an electronic financial
1489 payment service, of:
- 1490 (a) machinery and equipment that:

- 1491 (i) are used in the operation of the electronic financial payment service; and
1492 (ii) have an economic life of three or more years; and
1493 (b) normal operating repair or replacement parts that:
1494 (i) are used in the operation of the electronic financial payment service; and
1495 (ii) have an economic life of three or more years;
- 1496 (80) sales of a fuel cell as defined in Section 54-15-102;
- 1497 (81) amounts paid or charged for a purchase or lease of tangible personal property or a
1498 product transferred electronically if the tangible personal property or product transferred
1499 electronically:
1500 (a) is stored, used, or consumed in the state; and
1501 (b) is temporarily brought into the state from another state:
1502 (i) during a disaster period as defined in Section 53-2a-1202;
1503 (ii) by an out-of-state business as defined in Section 53-2a-1202;
1504 (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and
1505 (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;
- 1506 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined in
1507 Section 39A-7-102, made ~~[pursuant to]~~ in accordance with Title 39A, Chapter 7, Morale,
1508 Welfare, and Recreation Program;
- 1509 (83) amounts paid or charged for a purchase or lease of molten magnesium;
- 1510 (84) amounts paid or charged for a purchase or lease made by a qualifying data center or an
1511 occupant of a qualifying data center of machinery, equipment, or normal operating
1512 repair or replacement parts, if the machinery, equipment, or normal operating repair or
1513 replacement parts:
1514 (a) are used in:
1515 (i) the operation of the qualifying data center; or
1516 (ii) the occupant's operations in the qualifying data center; and
1517 (b) have an economic life of one or more years;
- 1518 (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a vehicle
1519 that includes cleaning or washing of the interior of the vehicle;
- 1520 (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal
1521 operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or
1522 supplies used or consumed:
1523 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined
1524 in Section 79-6-701 located in the state;

- 1525 (b) if the machinery, equipment, normal operating repair or replacement parts, catalysts,
1526 chemicals, reagents, solutions, or supplies are used or consumed in:
- 1527 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is
1528 added to gasoline or diesel fuel;
- 1529 (ii) research and development;
- 1530 (iii) transporting, storing, or managing raw materials, work in process, finished
1531 products, and waste materials produced from refining gasoline or diesel fuel, or
1532 adding blendstock to gasoline or diesel fuel;
- 1533 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in
1534 refining; or
- 1535 (v) preventing, controlling, or reducing pollutants from refining; and
- 1536 (c) if the person holds a valid refiner tax exemption certification as defined in Section
1537 79-6-701;
- 1538 (87) amounts paid to or charged by a proprietor for accommodations and services, as
1539 defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations
1540 tax imposed under Section 63H-1-205;
- 1541 (88) amounts paid or charged for a purchase or lease of machinery, equipment, normal
1542 operating repair or replacement parts, or materials, except for office equipment or office
1543 supplies, by an establishment, as the commission defines that term in accordance with
1544 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 1545 (a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North
1546 American Industry Classification System of the federal Executive Office of the
1547 President, Office of Management and Budget;
- 1548 (b) is located in this state; and
- 1549 (c) uses the machinery, equipment, normal operating repair or replacement parts, or
1550 materials in the operation of the establishment;
- 1551 (89) amounts paid or charged for an item exempt under Section 59-12-104.10;
- 1552 (90) sales of a note, leaf, foil, or film, if the item:
- 1553 (a) is used as currency;
- 1554 (b) does not constitute legal tender of a state, the United States, or a foreign nation; and
- 1555 (c) has a gold, silver, or platinum metallic content of 50% or more, exclusive of any
1556 transparent polymer holder, coating, or encasement;
- 1557 (91) amounts paid or charged for admission to an indoor skydiving, rock climbing, or
1558 surfing facility, if a trained instructor:

- 1559 (a) is present with the participant, in person or by video, for the duration of the activity;
1560 and
- 1561 (b) actively instructs the participant, including providing observation or feedback;
- 1562 (92) amounts paid or charged in connection with the construction, operation, maintenance,
1563 repair, or replacement of facilities owned by or constructed for:
- 1564 (a) a distribution electrical cooperative, as defined in Section 54-2-1; or
1565 (b) a wholesale electrical cooperative, as defined in Section 54-2-1;
- 1566 (93) amounts paid by the service provider for tangible personal property, other than
1567 machinery, equipment, parts, office supplies, electricity, gas, heat, steam, or other fuels,
1568 that:
- 1569 (a) is consumed in the performance of a service that is subject to tax under Subsection
1570 59-12-103(1)(b), (f), (g), (h), (i), or (j);
- 1571 (b) has to be consumed for the service provider to provide the service described in
1572 Subsection (93)(a); and
- 1573 (c) will be consumed in the performance of the service described in Subsection (93)(a),
1574 to one or more customers, to the point that the tangible personal property disappears
1575 or cannot be used for any other purpose;
- 1576 (94) sales of rail rolling stock manufactured in Utah;
- 1577 (95) amounts paid or charged for sales of sand, gravel, rock aggregate, cement products, or
1578 construction materials between establishments, as the commission defines that term in
1579 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if:
- 1580 (a) the establishments are related directly or indirectly through 100% common
1581 ownership or control; and
- 1582 (b) each establishment is described in one of the following subsectors of the 2022 North
1583 American Industry Classification System of the federal Executive Office of the
1584 President, Office of Management and Budget:
- 1585 (i) NAICS Subsector 237, Heavy and Civil Engineering Construction; or
1586 (ii) NAICS Subsector 327, Nonmetallic Mineral Product Manufacturing;
- 1587 (96) sales of construction materials used for the construction of a qualified stadium, as
1588 defined in Section 11-70-101;
- 1589 (97) amounts paid or charged for sales of a cannabinoid product as that term is defined in
1590 Section 4-41-102;
- 1591 (98) amounts paid or charged by an operator of a qualifying energy storage manufacturing
1592 facility for:

- 1593 (a) a purchase of tangible personal property if the tangible personal property is
1594 incorporated into equipment or a device that stores and discharges energy at the
1595 qualifying energy storage manufacturing facility; and
- 1596 (b) a purchase or lease of machinery, equipment, or normal operating repair or
1597 replacement parts if the machinery, equipment, or normal operating repair or
1598 replacement parts are used exclusively in the operation of the qualifying energy
1599 storage manufacturing facility;
- 1600 (99) amounts paid or charged for sales of adaptive driving equipment if the adaptive driving
1601 equipment is not yet installed in a motor vehicle;
- 1602 (100) amounts paid or charged for sales of adaptive driving equipment if the adaptive
1603 driving equipment is installed in a motor vehicle by a previous owner and the
1604 requirements of Section 59-12-104.11 are met; and
- 1605 (101) sales of construction materials used for the construction, remodeling, or refurbishing
1606 of a major sporting event venue, as defined in Section 63N-3-1701, within an approved
1607 major sporting event venue zone.

1608 Section 9. Section **59-12-2220** is amended to read:

1609 **59-12-2220 (Effective 07/01/26). County option sales and use tax to fund**
1610 **highways or a system for public transit -- Base -- Rate.**

- 1611 (1) Subject to the other provisions of this part and subject to the requirements of this
1612 section, the following counties may impose a sales and use tax under this section:
- 1613 (a) a county legislative body may impose the sales and use tax on the transactions
1614 described in Subsection 59-12-103(1) located within the county, including the cities
1615 and towns within the county if:
- 1616 (i) the entire boundary of a county is annexed into a large public transit district; and
1617 (ii) the maximum amount of sales and use tax authorizations allowed in accordance
1618 with Section 59-12-2203 and authorized under the following sections has been
1619 imposed:
- 1620 (A) Section 59-12-2213;
1621 (B) Section 59-12-2214;
1622 (C) Section 59-12-2215;
1623 (D) Section 59-12-2216;
1624 (E) Section 59-12-2217;
1625 (F) Section 59-12-2218; and
1626 (G) Section 59-12-2219;

- 1627 (b) if the county is not annexed into a large public transit district, the county legislative
1628 body may impose the sales and use tax on the transactions described in Subsection
1629 59-12-103(1) located within the county, including the cities and towns within the
1630 county if:
- 1631 (i) the county is an eligible political subdivision; or
 - 1632 (ii) a city or town within the boundary of the county is an eligible political
1633 subdivision; or
- 1634 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may
1635 impose the sales and use tax on the transactions described in Subsection 59-12-103(1)
1636 located within the county, including the cities and towns within the county.
- 1637 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
1638 county legislative body that imposes a sales and use tax under this section may impose
1639 the tax at a rate of .2%.
- 1640 (3)(a) The commission shall distribute sales and use tax revenue collected under this
1641 section as determined by a county legislative body as described in Subsection (3)(b).
- 1642 (b) If a county legislative body imposes a sales and use tax as described in this section,
1643 the county legislative body may elect to impose a sales and use tax revenue
1644 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of
1645 county, and presence and type of a public transit provider in the county.
- 1646 (4) Subject to Subsection (11), and after application of Subsection 59-12-2206(5), if a
1647 county legislative body imposes a sales and use tax as described in this section, and the
1648 entire boundary of the county is annexed into a large public transit district, and the
1649 county is a county of the first class, the commission shall distribute the sales and use tax
1650 revenue as follows:
- 1651 (a) .10% to a public transit district as described in Subsection (11);
 - 1652 (b) .05% to the cities and towns as provided in Subsection (8); and
 - 1653 (c) .05% to the county legislative body.
- 1654 (5) Subject to Subsection (11), if a county legislative body imposes a sales and use tax as
1655 described in this section and the entire boundary of the county is annexed into a large
1656 public transit district, and the county is a county not described in Subsection (4), the
1657 commission shall distribute the sales and use tax revenue as follows:
- 1658 (a) .10% to a public transit district as described in Subsection (11);
 - 1659 (b) .05% to the cities and towns as provided in Subsection (8); and
 - 1660 (c) .05% to the county legislative body.

- 1661 (6)(a) Except as provided in Subsection (14)(c), if the entire boundary of a county that
1662 imposes a sales and use tax as described in this section is not annexed into a single
1663 public transit district, but a city or town within the county is annexed into a single
1664 public transit district, or if the city or town is an eligible political subdivision, the
1665 commission shall distribute the sales and use tax revenue collected within the county
1666 as provided in Subsection (6)(b) or (c).
- 1667 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is
1668 annexed into the single public transit district, or an eligible political subdivision, the
1669 commission shall distribute the sales and use tax revenue collected within the portion
1670 of the county that is within a public transit district or eligible political subdivision as
1671 follows:
- 1672 (i) .05% to a public transit provider as described in Subsection (11);
1673 (ii) .075% to the cities and towns as provided in Subsection (8); and
1674 (iii) .075% to the county legislative body.
- 1675 (c) Except as provided in Subsection (14)(c), for a city, town, or portion of the county
1676 described in Subsection (6)(a) that is not annexed into a single public transit district
1677 or eligible political subdivision in the county, the commission shall distribute the
1678 sales and use tax revenue collected within that portion of the county as follows:
- 1679 (i) .08% to the cities and towns as provided in Subsection (8); and
1680 (ii) .12% to the county legislative body.
- 1681 (7) For a county without a public transit service that imposes a sales and use tax as
1682 described in this section, the commission shall distribute the sales and use tax revenue
1683 collected within the county as follows:
- 1684 (a) .08% to the cities and towns as provided in Subsection (8); and
1685 (b) .12% to the county legislative body.
- 1686 (8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions
1687 required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:
- 1688 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
1689 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)
1690 through (7) shall be distributed to the unincorporated areas, cities, and towns
1691 within those counties on the basis of the percentage that the population of each
1692 unincorporated area, city, or town bears to the total population of all of the
1693 counties that impose a tax under this section; and
1694 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),

1695 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)
1696 through (7) shall be distributed to the unincorporated areas, cities, and towns
1697 within those counties on the basis of the location of the transaction as determined
1698 under Sections 59-12-211 through 59-12-215.

1699 (b)(i) Population for purposes of this Subsection (8) shall be based on, to the extent
1700 not otherwise required by federal law:

1701 (A) the most recent estimate from the Utah Population Committee created in
1702 Section 63C-20-103; or

1703 (B) if the Utah Population Committee estimate is not available for each
1704 municipality and unincorporated area, the adjusted sub-county population
1705 estimate provided by the Utah Population Committee in accordance with
1706 Section 63C-20-104.

1707 (ii) If a needed population estimate is not available from the United States Census
1708 Bureau, population figures shall be derived from an estimate from the Utah
1709 Population Estimates Committee created by executive order of the governor.

1710 (c)(i) Beginning on January 1, 2024, if the Housing and Community Development
1711 Division within the Department of Workforce Services determines that a city or
1712 town is ineligible for funds in accordance with Subsection 10-21-202(6),
1713 beginning the first day of the calendar quarter after receiving 90 days' notice, the
1714 commission shall distribute the distribution that city or town would have received
1715 under Subsection (8)(a) to cities or towns to which Subsection 10-21-202(6) does
1716 not apply.

1717 (ii) Beginning on January 1, 2024, if the Housing and Community Development
1718 Division within the Department of Workforce Services determines that a county is
1719 ineligible for funds in accordance with Subsection 17-80-202(6), beginning the
1720 first day of the calendar quarter after receiving 90 days' notice, the commission
1721 shall distribute the distribution that county would have received under Subsection
1722 (8)(a) to counties to which Subsection 17-80-202(6) does not apply.

1723 (9) If a public transit service is organized after the date a county legislative body first
1724 imposes a tax under this section, a change in a distribution required by this section may
1725 not take effect until the first distribution the commission makes under this section after a
1726 90-day period that begins on the date the commission receives written notice from the
1727 public transit provider that the public transit service has been organized.

1728 (10)(a) Except as provided in Subsections (10)(b) and (c), a county, city, or town that

1729 received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii),
1730 (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in
1731 Section 59-12-2212.2.

1732 (b) If a county described in Subsection (1)(a) that is a county of the first class imposes
1733 the sales and use tax authorized in this section, the county may also use funds
1734 distributed in accordance with Subsection (4)(c) for public safety purposes.

1735 (c) If a county described in Subsection (1)(a) that is a county of the second class imposes
1736 the sales and use tax authorized in this section, the county may also use funds
1737 distributed in accordance with Subsection (5)(c) for public safety purposes.

1738 [~~(c)~~] (d) In addition to the purposes described in Subsections (10)(a) and (b), for a city
1739 relevant to a project area, as that term is defined in Section 63N-3-1401, an allowable
1740 use of revenue from a sales and use tax under this section includes the revitalization
1741 of a convention center owned by the county within a city of the first class and
1742 surrounding revitalization projects related to the convention center.

1743 (11)(a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit
1744 as described in this section may be used for capital expenses and service delivery
1745 expenses of:

1746 (i) a public transit district;

1747 (ii) an eligible political subdivision; or

1748 (iii) another entity providing a service for public transit or a transit facility within the
1749 relevant county, as those terms are defined in Section 17B-2a-802.

1750 (b)(i)(A) If a county of the first class imposes a sales and use tax described in this
1751 section, beginning on the date on which the county imposes the sales and use
1752 tax under this section, and for a three-year period after at least three counties
1753 described in Subsections (4) and (5) have imposed a tax under this section, or
1754 until June 30, 2030, whichever comes first, revenue designated for public
1755 transit within a county of the first class as described in Subsection (4)(a) shall
1756 be transferred to the County of the First Class Highway Projects Fund created
1757 in Section 72-2-121.

1758 (B) Revenue deposited into the County of the First Class Highway Projects Fund
1759 created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be
1760 used for public transit innovation grants as provided in Title 72, Chapter 2, Part
1761 4, Public Transit Innovation Grants.

1762 (ii) If a county of the first class imposes a sales and use tax described in this section,

1763 beginning on the day three years after the date on which at least three counties
 1764 described in Subsections (4) and (5) have imposed a tax under this section, or
 1765 beginning on July 1, 2030, whichever comes first, for revenue designated for
 1766 public transit as described in Subsection (4)(a):

1767 (A) 50% of the revenue from a sales and use tax imposed under this section in a
 1768 county of the first class shall be transferred to the County of the First Class
 1769 Highway Projects Fund created in Section 72-2-121 to be used for a purpose
 1770 described in Subsection (11)(a); and

1771 (B) 50% of the revenue from a sales and use tax imposed under this section in a
 1772 county of the first class shall be transferred to the Transit Transportation
 1773 Investment Fund Commuter Rail Subaccount created in Subsection [
 1774 ~~72-2-124(9)~~] 72-2-124(13).

1775 (c)(i) If a county that is not a county of the first class for which the entire boundary of
 1776 the county is annexed into a large public transit district imposes a sales and use
 1777 tax described in this section, beginning on the date on which the county imposes
 1778 the sales and use tax under this section, and for a three-year period following the
 1779 date on which at least three counties described in Subsections (4) and (5) have
 1780 imposed a tax under this section, or until June 30, 2030, whichever comes first,
 1781 revenue designated for public transit as described in Subsection (5)(a) shall be
 1782 transferred to the relevant county legislative body to be used for a purpose [
 1783 ~~described in Subsection (11)(a)~~] determined by the county legislative body.

1784 (ii) If a county that is not a county of the first class for which the entire boundary of
 1785 the county is annexed into a large public transit district imposes a sales and use
 1786 tax described in this section, beginning on the day three years after the date on
 1787 which at least three counties described in Subsections (4) and (5) have imposed a
 1788 tax under this section, or beginning on July 1, 2030, whichever comes first, for the
 1789 revenue that is designated for public transit in Subsection (5)(a):

1790 (A) 50% shall be transferred to the Transit Transportation Investment Fund
 1791 Commuter Rail Subaccount created in Subsection [~~72-2-124(9)~~] 72-2-124(13);
 1792 and

1793 (B) 50% shall be transferred to the relevant county legislative body to be used for
 1794 a purpose described in Subsection (11)(a).

1795 (d) Except as provided in Subsection [~~(13)(e)~~] (14)(c), for a county that imposes a sales
 1796 and use tax under this section, for revenue designated for public transit as described

- 1797 in Subsection (6)(b)(i), the revenue shall be transferred to the relevant county
1798 legislative body to be used for a purpose described in Subsection (11)(a).
- 1799 (12) A large public transit district shall send notice to the commission at least 90 days
1800 before the earlier of:
- 1801 (a) the date that is three years after the date on which at least three counties described in
1802 Subsections (4) and (5) have imposed a tax under this section; or
1803 (b) June 30, 2030.
- 1804 (13) For a city described in Subsection (10)(c), during the bondable term of a revitalization
1805 project described in Subsection (10)(c), the city shall transfer at least 50%, and may
1806 transfer up to 100%, of any revenue the city receives from a distribution under
1807 Subsection (4)(b) to a convention center public infrastructure district created in
1808 accordance with Section 17D-4-202.1 for revitalization of a convention center owned by
1809 the county within a city of the first class and surrounding revitalization projects related
1810 to the convention center as permitted in Subsection (10)(c).
- 1811 (14)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not
1812 required to, submit an opinion question to the county's registered voters in
1813 accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- 1814 (b) If a county passes an ordinance to impose a sales and use tax as described in this
1815 section, the sales and use tax shall take effect on the first day of the calendar quarter
1816 after a 90-day period that begins on the date the commission receives written notice
1817 from the county of the passage of the ordinance.
- 1818 (c) A county that imposed the local option sales and use tax described in this section
1819 before January 1, 2023, may maintain that county's distribution allocation in place as
1820 of January 1, 2023.
- 1821 (15)(a) Revenue collected from a sales and use tax under this section may not be used to
1822 supplant existing General Fund appropriations that a county, city, or town budgeted
1823 for transportation or public transit as of the date the tax becomes effective for a
1824 county, city, or town.
- 1825 (b) The limitation under Subsection (15)(a) does not apply to a designated transportation
1826 or public transit capital or reserve account a county, city, or town established before
1827 the date the tax becomes effective.
- 1828 Section 10. Section **63B-31-101** is amended to read:
- 1829 **63B-31-101 (Effective 05/06/26). General obligation bonds -- Maximum amount**
1830 **-- Use of proceeds for projects.**

- 1831 (1)(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
1832 under this section may not exceed \$264,000,000 for acquisition and construction
1833 proceeds, plus additional amounts as provided in Subsection (1)(b).
- 1834 (b) When the Department of Transportation certifies to the commission the amount of
1835 bond proceeds needed to provide funding for the projects described in this section,
1836 the commission may issue and sell general obligation bonds in an amount equal to
1837 the certified amount, plus additional amounts necessary to pay costs of issuance, to
1838 pay capitalized interest, and to fund any existing debt service reserve requirements,
1839 not to exceed 1% of the certified amount.
- 1840 (c) The commission may not issue general obligation bonds authorized under this
1841 section if the issuance of the general obligation bonds would result in the total current
1842 outstanding general obligation debt of the state exceeding 50% of the limitation
1843 described in the Utah Constitution, Article XIV, Section 1.
- 1844 (2) Proceeds from the bonds issued under this section shall be provided to the Department
1845 of Transportation to pay for, or to provide funds in accordance with this section to pay
1846 for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or
1847 improvements with respect to projects described in this section.
- 1848 (3) It is the intent of the Legislature that as transportation projects are prioritized under
1849 Section 72-2-124, the Transportation Commission give consideration to projects beyond
1850 the normal programming horizon.
- 1851 (4)(a) [~~Two hundred thirty-two~~] Five-hundred thirty million dollars of the proceeds of
1852 bonds issued under this section shall be used to double track strategic sections of the
1853 FrontRunner commuter rail system, to be repaid from the Transit Transportation
1854 Investment Fund under Subsection 72-2-124(10).
- 1855 (b) The issuance of the bonds for the purpose described in Subsection (4)(a) is
1856 contingent upon the establishment of an agreement between the Department of
1857 Transportation and the Utah Transit Authority whereby the Utah Transit Authority
1858 agrees to pay \$5,000,000 per year for 15 years toward repayment of the bonds.
- 1859 (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section
1860 shall be provided to the Department of Transportation to pass through to Brigham
1861 City to be used for a Forest Street rail bridge project in Brigham City.
- 1862 (b) Payments shall be made from the Rail Transportation Restricted Account created in
1863 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in
1864 the amount per year of the principal and interest payments due under the bonds

- 1865 issued under Subsection (5)(a) until those bonds have been repaid in full.
- 1866 (6)(a) Three million dollars of the proceeds of bonds issued under this section shall be
 1867 provided to the Department of Transportation to pass through to the city of North Salt
 1868 Lake for an environmental study for a grade separation at 1100 North in North Salt
 1869 Lake.
- 1870 (b) Payments shall be made from the Rail Transportation Restricted Account created in
 1871 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in
 1872 the amount per year of the principal and interest payments due under the bonds
 1873 issued under Subsection (6)(a) until those bonds have been repaid in full.
- 1874 (7) The costs under Subsection (2) may include the costs of studies necessary to make
 1875 transportation infrastructure improvements, the costs of acquiring land, interests in land,
 1876 and easements and rights-of-way, the costs of improving sites and making all
 1877 improvements necessary, incidental, or convenient to the facilities, and the costs of
 1878 interest estimated to accrue on these bonds during the period to be covered by
 1879 construction of the projects plus a period of six months after the end of the construction
 1880 period, interest estimated to accrue on any bond anticipation notes issued under the
 1881 authority of this title, and all related engineering, architectural, and legal fees.
- 1882 (8) The commission or the state treasurer may make any statement of intent relating to a
 1883 reimbursement that is necessary or desirable to comply with federal tax law.
- 1884 (9) The Department of Transportation may enter into agreements related to the projects
 1885 described in Subsection (4) before the receipt of proceeds of bonds issued under this
 1886 section.

1887 Section 11. Section **63I-1-272** is amended to read:

1888 **63I-1-272 (Effective 05/06/26). Repeal dates: Title 72.**

1889 [~~(1) Subsection 72-1-217(4), regarding highway reduction strategies within Salt Lake City,~~
 1890 ~~is repealed July 1, 2029.]~~

1891 [~~(2) (1) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is~~
 1892 ~~repealed July 1, 2028.]~~

1893 [~~(3) (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January~~
 1894 ~~2, 2030.]~~

1895 [~~(4) (3) Title 72, Chapter 10, Part 13, Spaceport Exploration Committee, is repealed July 1,~~
 1896 ~~2027.]~~

1897 Section 12. Section **72-1-102** is amended to read:

1898 **72-1-102 (Effective 05/06/26). Definitions.**

- 1899 As used in this title:
- 1900 (1) "Circulator alley" means a publicly owned passageway:
- 1901 (a) with a right-of-way width of 20 feet or greater;
- 1902 (b) located within a master planned community;
- 1903 (c) established by the city having jurisdictional authority as part of the street network for
- 1904 traffic circulation that may also be used for:
- 1905 (i) garbage collection;
- 1906 (ii) access to residential garages; or
- 1907 (iii) access rear entrances to a commercial establishment; and
- 1908 (d) constructed with a bituminous or concrete pavement surface.
- 1909 (2) "Commission" means the Transportation Commission created under Section 72-1-301.
- 1910 (3) "Construction" means the construction, reconstruction, replacement, and improvement
- 1911 of the highways, including the acquisition of rights-of-way and material sites.
- 1912 (4) "Department" means the Department of Transportation created in Section 72-1-201.
- 1913 (5) "Executive director" means the executive director of the department appointed under
- 1914 Section 72-1-202.
- 1915 (6) "Farm tractor" [~~has the meaning set forth~~] means the same as that term is defined in
- 1916 Section 41-1a-102.
- 1917 (7) "Federal aid primary highway" means that portion of connected main highways located
- 1918 within this state officially designated by the department and approved by the United
- 1919 States Secretary of Transportation under Title 23, Highways, U.S.C.
- 1920 (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- 1921 (9)(a) "Fixed guideway capital development" means a project to construct or reconstruct
- 1922 a public transit fixed guideway facility that will add capacity to a fixed guideway
- 1923 public transit facility.
- 1924 (b) "Fixed guideway capital development" includes:
- 1925 (i) a project to strategically double track commuter rail lines; and
- 1926 (ii) a project to develop and construct public transit facilities and related
- 1927 infrastructure pertaining to the Point of the Mountain State Land Authority created
- 1928 in Section 11-59-201.
- 1929 (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.
- 1930 (11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,
- 1931 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned
- 1932 to the public, or made [-]public in an action for the partition of real property, including

- 1933 the entire area within the right-of-way.
- 1934 (12) "Highway authority" means the department or the legislative, executive, or governing
1935 body of a county or municipality.
- 1936 (13) "Housing and transit reinvestment zone" means the same as that term is defined in
1937 Section 63N-3-602.
- 1938 (14) "Implement of husbandry" [~~has the meaning set forth~~] means the same as that term is
1939 defined in Section 41-1a-102.
- 1940 (15) "Interstate system" means any highway officially designated by the department and
1941 included as part of the national interstate and defense highways, as provided in the
1942 Federal Aid Highway Act of 1956 and any supplemental acts or amendments.
- 1943 (16) "Large public transit district" means the same as that term is defined in Section
1944 17B-2a-802.
- 1945 (17) "Limited-access facility" means a highway especially designated for through traffic,
1946 and over, from, or to which neither owners nor occupants of abutting lands nor other
1947 persons have any right or easement, or have only a limited right or easement of access,
1948 light, air, or view.
- 1949 (18) "Master planned community" means a land use development:
1950 (a) designated by the city as a master planned community; and
1951 (b) comprised of a single development agreement for a development larger than 500
1952 acres.
- 1953 (19) "Motor vehicle" [~~has the same meaning set forth~~] means the same as that term is defined
1954 in Section 41-1a-102.
- 1955 (20) "Municipality" [~~has the same meaning set forth~~] means the same as that term is defined
1956 in Section 10-1-104.
- 1957 (21) "National highway systems highways" means that portion of connected main highways
1958 located within this state officially designated by the department and approved by the
1959 United States Secretary of Transportation under Title 23, Highways, U.S.C.
- 1960 (22)(a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and
1961 maintained by the department where drivers, vehicles, and vehicle loads are checked
1962 or inspected for compliance with state and federal laws as specified in Section
1963 72-9-501.
- 1964 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.
- 1965 (23) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties
1966 specified in Section 72-9-501.

- 1967 (24) "Public transit" means the same as that term is defined in Section 17B-2a-802.
- 1968 (25) "Public transit facility" means a fixed guideway, transit vehicle, transit station, depot,
 1969 passenger loading or unloading zone, parking lot, or other facility:
 1970 (a) leased by or operated by or on behalf of a public transit district; and
 1971 (b) related to the public transit services provided by the district, including:
 1972 (i) railway or other right-of-way;
 1973 (ii) railway line; and
 1974 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled
 1975 by a transit vehicle.
- 1976 (26) "Right-of-way" means real property or an interest in real property, usually in a strip,
 1977 acquired for or devoted to state transportation purposes.
- 1978 (27) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or
 1979 proposals in addition to bids or proposals manually sealed and submitted.
- 1980 (28) "Semitrailer" ~~[has the meaning set forth]~~ means the same as that term is defined in
 1981 Section 41-1a-102.
- 1982 (29) "SR" means state route and ~~[has the same meaning as state highway as]~~ means the same
 1983 as the term "state highway" is defined in this section.
- 1984 (30) "State highway" means those highways designated as state highways in Title 72,
 1985 Chapter 4, Designation of State Highways Act.
- 1986 (31) "State transportation purposes" ~~[has the meaning set forth]~~ means the same as that term
 1987 is defined in Section 72-5-102.
- 1988 (32) "State transportation systems" means all streets, alleys, roads, highways, pathways, and
 1989 thoroughfares of any kind, including connected structures, airports, aerial corridor
 1990 infrastructure, spaceports, public transit facilities, and all other modes and forms of
 1991 conveyance used by the public.
- 1992 (33) "Trailer" ~~[has the meaning set forth]~~ means the same as that term is defined in Section
 1993 41-1a-102.
- 1994 (34)(a) "Transportation corridor" means the path or proposed path of a transportation
 1995 facility that exists or that may exist in the future.
- 1996 (b) "Transportation corridor" may include:
 1997 (i) the land occupied or that may be occupied by a transportation facility; and
 1998 (ii) any other land that may be needed for expanding, operating, or controlling access
 1999 to the transportation facility.
- 2000 (35) "Transportation facility" means:

- 2001 (a) a highway; or
- 2002 (b) a fixed guideway.
- 2003 (36) "Transportation reinvestment zone" means a transportation reinvestment zone created [
 2004 pursuant to] in accordance with Section 11-13-227.
- 2005 (37) "Truck tractor" [~~has the meaning set forth~~] means the same as that term is defined in
 2006 Section 41-1a-102.
- 2007 (38) "UDOT" means the Utah Department of Transportation.
- 2008 (39)(a) "Utah trail network" means a system of paved or other hard-surface trails
 2009 designated by the department that:
- 2010 (i) serves a regional transportation purpose; and
- 2011 (ii) is included in the department's Utah Trail Network master plan.
- 2012 (b) "Utah trail network" includes:
- 2013 (i) the full width of the trail surface and all land and structures necessary to support
 2014 the trail; and
- 2015 (ii) trailheads and amenities designated by the department that are contiguous to or
 2016 adjacent to the designated trail.
- 2017 [~~(39)~~] (40) "Vehicle" [~~has the same meaning set forth~~] means the same as that term is defined
 2018 in Section 41-1a-102.
- 2019 Section 13. Section **72-1-202** is amended to read:
- 2020 **72-1-202 (Effective 05/06/26). Executive director of department -- Appointment**
 2021 **-- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.**
- 2022 (1)(a) The governor, with the advice and consent of the Senate, shall appoint an
 2023 executive director to be the chief executive officer of the department.
- 2024 (b) The executive director shall be a registered professional engineer and qualified
 2025 executive with technical and administrative experience and training appropriate for
 2026 the position.
- 2027 (c) The executive director shall remain in office until a successor is appointed.
- 2028 (d) The executive director may be removed by the governor.
- 2029 (2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed
 2030 in this chapter, the executive director shall:
- 2031 (a) have responsibility for the administrative supervision of the state transportation
 2032 systems and the various operations of the department;
- 2033 (b) have the responsibility for the implementation of rules, priorities, and policies
 2034 established by the department and the commission;

2035 (c) have the responsibility for the oversight and supervision of any transportation project
 2036 for which state funds are expended;

2037 (d) have the authority to determine funding priorities during a natural disaster as
 2038 described in Section 72-1-219;

2039 [~~(d)~~] (e) have full power to bring suit in courts of competent jurisdiction in the name of
 2040 the department as the executive director considers reasonable and necessary for the
 2041 proper attainment of the goals of this chapter;

2042 [~~(e)~~] (f) receive a salary, to be established by the governor within the salary range fixed
 2043 by the Legislature in Title 67, Chapter 22, State Officer Compensation, together with
 2044 actual traveling expenses while away from the executive director's office on official
 2045 business;

2046 [~~(f)~~] (g) purchase all equipment, services, and supplies necessary to achieve the
 2047 department's functions, powers, duties, rights, and responsibilities delegated under
 2048 Section 72-1-201;

2049 [~~(g)~~] (h) have the responsibility to determine whether a purchase from, contribution to, or
 2050 other participation with a public entity or association of public entities in a pooled
 2051 fund program to acquire, develop, or share information, data, reports, or other
 2052 services related to the department's mission are procurement items under Title 63G,
 2053 Chapter 6a, Utah Procurement Code;

2054 [~~(h)~~] (i) have responsibility for administrative supervision of the Comptroller Division,
 2055 the Internal Audit Division, and the Communications Division; and

2056 [~~(i)~~] (j) appoint assistants, to serve at the discretion of the executive director, to
 2057 administer the divisions of the department.

2058 (3) The executive director may employ other assistants and advisers as the executive
 2059 director finds necessary and fix salaries in accordance with the salary standards adopted
 2060 by the Division of Human Resource Management.

2061 Section 14. Section **72-1-207** is amended to read:

2062 **72-1-207 (Effective 05/06/26). Department may sue and be sued -- Legal adviser**
 2063 **of department -- Partial waiver of Eleventh Amendment immunity.**

2064 (1) The department may sue, and it may be sued only on written contracts made by it or
 2065 under its authority.

2066 (2) The department may sue in the name of the state.

2067 (3) In all matters requiring legal advice in the performance of [its] the commission's or the
 2068 department's duties and in the prosecution or defense of any action growing out of the

2069 performance of [its] the commission's or the department's duties, the attorney general is
2070 the legal adviser of the commission, and the department, and shall perform any and all
2071 legal services required by the commission and the department without other
2072 compensation than [his] the attorney general's salary.

2073 (4) Upon request of the department, the attorney general shall aid in any investigation,
2074 hearing, or trial under the provisions of Chapter 9, Motor Carrier Safety Act, and
2075 institute and prosecute actions or proceedings for the enforcement of the provisions of
2076 the Constitution and statutes of this state or any rule or order of the department affecting
2077 motor carriers of persons and property.

2078 (5)(a) The state waives its immunity under the 11th Amendment of the United States
2079 Constitution and consents to suit in a federal court for lawsuits arising out of the
2080 department's compliance, discharge, or enforcement of responsibilities assumed [
2081 ~~pursuant to~~] in accordance with 23 U.S.C. Secs. 326 and 327.

2082 (b) The waiver of immunity under this Subsection (5) is valid only if:

2083 (i) the executive director or the executive director's designee executes a memorandum
2084 of understanding with the United States Department of Transportation accepting
2085 the jurisdiction of the federal courts as required by 23 U.S.C. Secs. 326(c) and
2086 327(c);

2087 (ii) before execution of the memorandum of understanding under Subsection (5)(b)(i),
2088 the attorney general has issued an opinion letter to the executive director and the [
2089 ~~administrator of the Federal Highway Administration~~] relevant administrator
2090 within the United States Department of Transportation that the memorandum of
2091 understanding and the waiver of immunity are valid and binding upon the state;

2092 (iii) the act or omission that is the subject of the lawsuit arises out of or relates to
2093 compliance, discharge, or enforcement of responsibilities assumed by the
2094 department [~~pursuant to~~] in accordance with 23 U.S.C. Secs. 326 and 327; and

2095 (iv) the memorandum of understanding is in effect when the act or omission that is
2096 the subject of the federal lawsuit occurred.

2097 Section 15. Section **72-1-213.1** is amended to read:

2098 **72-1-213.1 (Effective 05/06/26). Road usage charge program.**

2099 (1) As used in this section:

2100 (a) "Account manager" means an entity under contract with the department to administer
2101 and manage the road usage charge program.

2102 (b) "Alternative fuel vehicle" means:

- 2103 (i) an electric motor vehicle as defined in Section 41-1a-102; or
2104 (ii) a motor vehicle powered exclusively by a fuel other than:
2105 (A) motor fuel;
2106 (B) diesel fuel;
2107 (C) natural gas; or
2108 (D) propane.
- 2109 (c) "Payment period" means the interval during which an owner is required to report
2110 mileage and pay the appropriate road usage charge according to the terms of the
2111 program.
- 2112 (d) "Program" means the road usage charge program established and described in this
2113 section.
- 2114 (e) "Road usage charge cap" means the maximum fee charged to a participant in the
2115 program for a registration period.
- 2116 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the
2117 program.
- 2118 (2) There is established a road usage charge program as described in this section.
- 2119 (3)(a) The department shall implement and oversee the administration of the program,
2120 which shall begin on January 1, 2020.
- 2121 (b) To implement and administer the program, the department may contract with an
2122 account manager.
- 2123 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the
2124 alternative fuel vehicle in the program.
- 2125 (b) If an application for enrollment into the program is approved by the department, the
2126 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of
2127 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
- 2128 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2129 consistent with this section, the department:
- 2130 (a) shall make rules to establish:
- 2131 (i) processes and terms for enrollment into and withdrawal or removal from the
2132 program;
- 2133 (ii) payment periods and other payment methods and procedures for the program;
- 2134 (iii) standards for mileage reporting mechanisms for an owner or lessee of an
2135 alternative fuel vehicle to report mileage as part of participation in the program;
- 2136 (iv) standards for program functions for mileage recording, payment processing,

- 2137 account management, and other similar aspects of the program;
- 2138 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner
2139 and an account manager for participation in the program;
- 2140 (vi) contractual terms between the department and an account manager, including
2141 authority for an account manager to enforce the terms of the program;
- 2142 (vii) procedures to provide security and protection of personal information and data
2143 connected to the program, and penalties for account managers for violating
2144 privacy protection rules;
- 2145 (viii) penalty procedures for a program participant's failure to pay a road usage
2146 charge or tampering with a device necessary for the program; and
- 2147 (ix) department oversight of an account manager, including privacy protection of
2148 personal information and access and auditing capability of financial and other
2149 records related to administration of the program; and
- 2150 (b) may make rules to establish:
- 2151 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the
2152 program;
- 2153 (ii) a process for collection of an unpaid road usage charge or penalty; or
- 2154 (iii) integration of the program with other similar programs, such as tolling.
- 2155 (6) Revenue generated by the road usage charge program and relevant penalties shall be
2156 deposited into the Road Usage Charge Program Special Revenue Fund.
- 2157 (7)(a) The department may:
- 2158 (i)(A) impose a penalty for failure to timely pay a road usage charge according to
2159 the terms of the program or tampering with a device necessary for the program;
2160 and
- 2161 (B) request that the Division of Motor Vehicles place a hold on the registration of
2162 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage
2163 charge or penalty according to the terms of the program;
- 2164 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the
2165 owner or lessee of:
- 2166 (A) the road usage charge program, implementation, and procedures;
- 2167 (B) an unpaid road usage charge and the amount of the road usage charge to be
2168 paid to the department;
- 2169 (C) the penalty for failure to pay a road usage charge within the time period
2170 described in Subsection (7)(a)(iii); and

- 2171 (D) a hold being placed on the owner's or lessee's registration for the alternative
2172 fuel vehicle, if the road usage charge and penalty are not paid within the time
2173 period described in Subsection (7)(a)(iii), which would prevent the renewal of
2174 the alternative fuel vehicle's registration; and
- 2175 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
2176 charge to the department within 30 days of the date when the department sends
2177 written notice of the road usage charge to the owner or lessee.
- 2178 (b) The department shall send the correspondence and notice described in Subsection
2179 (7)(a) to the owner of the alternative fuel vehicle according to the terms of the
2180 program.
- 2181 (8)(a) The Division of Motor Vehicles and the department shall share and provide access
2182 to information pertaining to an alternative fuel vehicle and participation in the
2183 program including:
- 2184 (i) registration and ownership information pertaining to an alternative fuel vehicle;
2185 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
2186 pay a road usage charge or penalty imposed under this section within the time
2187 period described in Subsection (7)(a)(iii); and
2188 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2189 (b) If the department requests a hold on the registration in accordance with this section,
2190 the Division of Motor Vehicles may not renew the registration of a motor vehicle
2191 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the
2192 hold request.
- 2193 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or
2194 withdraw from the program according to the terms established by the department [
2195 ~~pursuant to~~] in accordance with rules made under Subsection (5).
- 2196 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 2197 (a) report mileage driven as required by the department [~~pursuant to~~] in accordance with
2198 Subsection (5);
- 2199 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
2200 and
- 2201 (c) comply with all other provisions of this section and other requirements of the
2202 program.
- 2203 (11) The department shall submit annually, on or before October 1, to the Transportation
2204 Interim Committee, an electronic report that:

- 2205 (a) states for the preceding fiscal year:
- 2206 (i) the amount of revenue collected from the program;
- 2207 (ii) the participation rate in the program; and
- 2208 (iii) the department's costs to administer the program; and
- 2209 (b) provides for the current fiscal year, an estimate of:
- 2210 (i) the revenue that will be collected from the program;
- 2211 (ii) the participation rate in the program; and
- 2212 (iii) the department's costs to administer the program.
- 2213 ~~(12)(a) Beginning on January 1, 2023:~~
- 2214 ~~[(i) the road usage charge rate is 1.0 cent per mile; and]~~
- 2215 ~~[(ii) the road usage charge cap is:]~~
- 2216 ~~[(A) \$130.25 for an annual registration period; and]~~
- 2217 ~~[(B) \$100.75 for a six-month registration period.]~~
- 2218 ~~[(b)] (a) Beginning on January 1, 2026:~~
- 2219 (i) the road usage charge rate is 1.25 cents per mile; and
- 2220 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:
- 2221 (A) \$180 for an annual registration period; and
- 2222 (B) \$139 for a six-month registration period.
- 2223 ~~[(c)] (b) Beginning on January 1, 2032:~~
- 2224 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
- 2225 a different road usage charge rate in accordance with Subsection (13); and
- 2226 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:
- 2227 (A) \$240 for an annual registration period; and
- 2228 (B) \$185 for a six-month registration period.
- 2229 (c) Beginning on January 1, 2027, for an electric vehicle with a gross combined weight
- 2230 rating of 6,001 pounds or more that is a commercial vehicle, as defined in Section
- 2231 41-1a-102, the road usage charge cap is:
- 2232 (i) \$500 for an annual registration period; and
- 2233 (ii) \$385 for a six-month registration period.
- 2234 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
- 2235 usage charge rates described in this Subsection (12) by taking the road usage charge
- 2236 rate for the previous year and adding an amount equal to the greater of:
- 2237 (i) an amount calculated by multiplying the road usage charge rate of the previous
- 2238 year by the actual percentage change during the previous fiscal year in the

- 2239 Consumer Price Index as determined by the State Tax Commission; and
 2240 (ii) 0.
- 2241 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
 2242 the road usage charge caps described in this Subsection (12) by taking the road usage
 2243 charge cap for the previous year and adding an amount equal to the greater of:
 2244 (i) an amount calculated by multiplying the road usage charge cap of the previous
 2245 year by the actual percentage change during the previous fiscal year in the
 2246 Consumer Price Index; and
 2247 (ii) 0.
- 2248 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the
 2249 nearest .01 cent.
- 2250 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the
 2251 nearest 25 cents.
- 2252 (h) On or before January 1 of each year, the department shall publish:
 2253 (i) the adjusted road usage charge rate described in Subsection (12)(d); and
 2254 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 2255 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in
 2256 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road
 2257 usage charge rate for each type of alternative fuel vehicle.
- 2258 (b)(i) Before making rules in accordance with Subsection (13)(a), the commission
 2259 shall consult with the department regarding the road usage charge rate for each
 2260 type of alternative fuel vehicle.
- 2261 (ii) The department shall cooperate with and make recommendations to the
 2262 commission regarding the road usage charge rate for each type of alternative fuel
 2263 vehicle.

2264 Section 16. Section **72-1-217** is amended to read:

2265 **72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29). Department of**
 2266 **Transportation study items.**

- 2267 (1) The department shall carry out transportation studies described in this section as
 2268 resources allow.
- 2269 (2)(a) The department shall study items related to advanced air mobility as described in
 2270 this Subsection (2).
- 2271 (b) The department shall study vertiport locations and infrastructure, including:
 2272 (i) identification of suitable locations for vertiport infrastructure and parking

- 2273 infrastructure for vertiports in metropolitan areas;
- 2274 (ii) identification of commuter rail stations that may be suitable for vertiport
2275 placement; and
- 2276 (iii) identification of underutilized parking lots and parking structures for vertiport
2277 infrastructure placement.
- 2278 (c) The department shall study best practices and implementation of advanced air
2279 mobility technologies, including:
- 2280 (i) seeking input through community engagement;
- 2281 (ii) state and local regulations;
- 2282 (iii) unmanned aircraft system traffic management; and
- 2283 (iv) weather reporting and monitoring for advanced air mobility safety.
- 2284 (d) The department shall study unmanned aircraft traffic management infrastructure,
2285 including:
- 2286 (i) unmanned aircraft system traffic management development, implementation,
2287 procedures, policies, and infrastructure; and
- 2288 (ii) obtaining a full understanding of unmanned aircraft system traffic management,
2289 including:
- 2290 (A) designation of airspace for advanced air mobility;
- 2291 (B) creation of geographic categorical areas;
- 2292 (C) identifying the appropriate number and location of advanced air mobility
2293 sensors; and
- 2294 (D) other state specific details regarding unmanned aircraft system traffic
2295 management.
- 2296 (e) The department shall study the creation of an advanced air mobility sandbox,
2297 including:
- 2298 (i) potential locations for the sandbox testing area and desirable attributes of a
2299 suitable sandbox location;
- 2300 (ii) requirements to create a geographical advanced air mobility testing area and the
2301 parameters for the types of technology that may be utilized in the testing area; and
- 2302 (iii) testing and studying different types of advanced air mobility transportation of
2303 manned and unmanned aerial vehicles, including:
- 2304 (A) aerial vehicle size;
- 2305 (B) aerial vehicles that carry cargo, including medical cargo;
- 2306 (C) commercial aerial vehicles; and

- 2307 (D) public transportation aerial vehicles.
- 2308 (f) On or before September 30, 2023, the department shall provide a report to the
2309 Transportation Interim Committee of the department's findings from the study items
2310 described in Subsections (2)(b) through (2)(e).
- 2311 (g) The department may only use existing funds to cover the expenses incurred from the
2312 study of items described in Subsections (2)(b) through (2)(e).
- 2313 (3)(a) The department and a large public transit district shall jointly study programs
2314 offered by government entities related to human services transportation, including:
- 2315 (i) coordinated mobility services;
- 2316 (ii) paratransit services;
- 2317 (iii) nonemergency medical transportation;
- 2318 (iv) youth transportation programs, excluding school bus transportation; and
- 2319 (v) other similar fare-based or fee-based programs provided or coordinated within the
2320 boundary of the large public transit district, including those involving the
2321 department, a large public transit district, local governments, or other government
2322 agencies and nonprofit entities that provide similar services.
- 2323 (b) The study shall evaluate strategies to consolidate the transportation services
2324 described in Subsection (3)(a) to improve efficiency and service.
- 2325 (c) The department and large public transit district shall:
- 2326 (i) provide a preliminary report on the study to the Transportation Interim Committee
2327 on or before November 1, 2025; and
- 2328 (ii) prepare and present recommendations to the Transportation Interim Committee
2329 on or before November 1, 2026, for the consolidation of the services described in
2330 Subsection (3)(a).
- 2331 [~~(4)(a) As used in this Subsection (4):~~]
- 2332 [~~(i) "City" means Salt Lake City.~~]
- 2333 [~~(ii) "Highway reduction strategy" means any strategy that has the potential to~~
2334 ~~permanently decrease the number of vehicles that can travel on an arterial or a~~
2335 ~~collector highway per hour, including:~~]
- 2336 [~~(A) reducing the number of motorized vehicle travel lanes on an arterial or~~
2337 ~~collector highway;~~]
- 2338 [~~(B) narrowing existing motorized vehicle travel lanes on an arterial or collector~~
2339 ~~highway; or~~]
- 2340 [~~(C) any other strategy that when implemented may increase congestion or impede~~]

2341 traffic flow for motor vehicles driving on an arterial or collector highway.]

2342 [(iii) "Mobility and environmental impact analysis" means a study that assesses the
2343 impacts within the study area of implementing a highway reduction strategy on
2344 arterial or collector highways, including the impacts to other state and local
2345 highways, mobility, traffic flow, pedestrian and nonmotorized vehicle flow, the
2346 economy, public health, quality of life, air quality, maintenance, and operations.]

2347 [(iv) "Study area" means the area within Salt Lake City that is west of Foothill Drive,
2348 north of 2100 South, east of I-15, and south of 600 North.]

2349 [(b)(i) Except as described in Subsection (4)(c), a city may not implement or begin a
2350 project as part of a highway reduction strategy on an arterial or a collector
2351 highway within the study area unless the project is part of a mobility plan
2352 approved by the department as described in this Subsection (4)(b).]

2353 [(ii) For a mobility plan described under Subsection (4)(b)(i), the city shall:]

2354 [(A) assess the alternate routes for traffic and impacts on surrounding highways
2355 due to any lane reduction;]

2356 [(B) evaluate impacts to vehicle trip time;]

2357 [(C) evaluate impacts to air quality;]

2358 [(D) evaluate the cumulative multimodal and safety impact of the proposed
2359 highway reduction strategies, including the cumulative impact from previous
2360 highway reduction strategies implemented over the previous five years;]

2361 [(E) provide options to mitigate negative impacts to vehicle traffic, vehicle trip
2362 time, air quality, or adjacent travel routes;]

2363 [(F) in collaboration with the department, assess impacts to state highways;]

2364 [(G) proactively seek out and consult with relevant stakeholders, including
2365 business owners, commuters, and residents impacted by the mobility plan and
2366 each proposed project within the mobility plan;]

2367 [(H) present the plan in an open and public meeting, including public comment;]

2368 [(I) provide an open house or other event to allow public interaction and feedback
2369 regarding the impacts of the mobility plan;]

2370 [(J) present the plan to the membership of the city's chamber of commerce and
2371 other business groups; and]

2372 [(K) provide the plan to the department for the department's review.]

2373 [(iii)(A) After the department receives a complete mobility plan as described in
2374 Subsection (4)(b)(ii), the department shall determine if the mobility plan and

2375 each project included in the mobility plan meet the requirements of this section
2376 and shall approve or reject the plan within two months of receiving the
2377 mobility plan.]

2378 [(B) As part of the mobility plan, the city shall demonstrate to the department the
2379 manners in which the city involved and received input from the business
2380 community, the public, and other stakeholders as required in Subsection
2381 (4)(b)(ii).]

2382 [(e)(i) The city may begin or continue construction on an arterial or collector
2383 highway project related to any reduction strategy within the study area if the
2384 project has been advertised on or before February 25, 2025.]

2385 [(ii)(A) For a project related to any highway reduction strategy that was
2386 programmed by the department on or before July 1, 2024, but has not been
2387 advertised on or before February 25, 2025, the department may conduct an
2388 expedited review of the project.]

2389 [(B) If the department approves a project after an expedited review as described in
2390 Subsection (4)(e)(ii)(A), the city may begin or continue construction on the
2391 project.]

2392 [(d) The department shall, in partnership with the city, conduct a mobility and
2393 environmental impact analysis to determine the impacts of highway reduction
2394 strategies within the study area that the city has implemented on or after July 1, 2015,
2395 or has plans to implement on or before July 1, 2035.]

2396 [(e) As part of the mobility and environmental impact analysis, the department shall:]

2397 [(i) assess the cumulative impact of each highway reduction strategy within the study
2398 area that the city has implemented or has plans to implement between July 1,
2399 2015, and July 1, 2035; and]

2400 [(ii) consult with relevant stakeholders, including business owners, commuters, and
2401 residents impacted by the highway reduction strategy.]

2402 [(f) A city subject to a mobility and environmental impact analysis under this Subsection
2403 (4) shall provide to the department any information the department determines
2404 necessary for conducting the mobility and environmental impact analysis, including
2405 any plans that city has adopted or discussed with regards to a highway reduction
2406 strategy.]

2407 [(g)(i) The department shall provide the mobility and environmental impact analysis
2408 to the Transportation Interim Committee on or before October 15, 2025.]

2409 (ii) The city shall provide a response to the mobility and environmental impact
2410 analysis to the Transportation Interim Committee on or before November 1, 2025.]

2411 ~~[(h)(i) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset
2412 review by the Transportation Interim Committee during the 2028 interim.]~~

2413 ~~[(ii) The Transportation Interim Committee may also evaluate the mobility plan
2414 process described in this Subsection (4) during the 2027 interim.]~~

2415 Section 17. Section **72-1-219** is enacted to read:

2416 **72-1-219 (Effective 05/06/26). Executive director authority during a natural
2417 disaster.**

2418 (1) As used in this section, "natural disaster" means the same as that term is defined in
2419 Section 63G-6a-803.

2420 (2) Subject to Subsection (3), the executive director may determine priorities and funding
2421 levels of projects and programs in the state transportation systems during and after a
2422 natural disaster.

2423 (3) The executive director may only determine priorities and funding levels of a project or
2424 program as described in Subsection (2) if:

2425 (a) the project or program is necessary to:

2426 (i) repair existing transportation infrastructure that was damaged during the natural
2427 disaster; or

2428 (ii) provide temporary transportation infrastructure or a program that facilitates a
2429 response to the natural disaster;

2430 (b)(i) the commission is unable to meet in a timely manner to approve the priority
2431 and funding level of the projects; and

2432 (ii) the executive director makes reasonable efforts to facilitate a meeting of the
2433 commission;

2434 (c) as soon as practicable, the executive director notifies the governor, Legislature, and
2435 commission of a determination described under Subsection (2); and

2436 (d) the funding approved by the executive director for the project is less than
2437 \$10,000,000.

2438 (4) Following a determination described under Subsection (2), the executive director shall
2439 ensure that any priorities and funding approved by the executive director is placed on the
2440 agenda of the next commission meeting for consideration.

2441 (5) The executive director shall report, as requested by the governor, Legislature, or
2442 commission, regarding any action taken under Subsection (2).

2443 Section 18. Section **72-2-110** is amended to read:

2444 **72-2-110 (Effective 05/06/26). Funds allocated to class B and class C roads --**
 2445 **Matching federal funds -- R.S. 2477 rights.**

2446 A county or municipality may:

- 2447 (1) use funds which are allocated to class B and class C roads for matching federal funds
 2448 for the construction of secondary roads now available or which may later become
 2449 available in accordance with the provisions of law; [~~and~~]
 2450 (2) use funds for construction of a park-and-ride facility; and
 2451 [~~(2)~~] (3) use up to 30% of the class B and class C road funds allocated to the county or
 2452 municipality to:
 2453 (a) pay the costs of asserting, defending, or litigating local government rights under R.S.
 2454 2477 on class B, class C, or class D roads; or
 2455 (b) maintain class D roads.

2456 Section 19. Section **72-2-121** is amended to read:

2457 **72-2-121 (Effective 05/06/26). County of the First Class Highway Projects Fund.**

- 2458 (1) There is created a special revenue fund within the Transportation Fund known as the
 2459 "County of the First Class Highway Projects Fund."
 2460 (2) The fund consists of money generated from the following revenue sources:
 2461 (a) any voluntary contributions received for new construction, major renovations, and
 2462 improvements to highways within a county of the first class;
 2463 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
 2464 deposited into or transferred to the fund;
 2465 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
 2466 transferred to the fund;
 2467 (d) a portion of the local option highway construction and transportation corridor
 2468 preservation fee imposed in a county of the first class under Section 41-1a-1222
 2469 deposited into or transferred to the fund; and
 2470 (e) the portion of the sales and use tax transferred into the fund as described in
 2471 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).
 2472 (3)(a) The fund shall earn interest.
 2473 (b) All interest earned on fund money shall be deposited into the fund.
 2474 (4) Subject to Subsection (11), the executive director shall use the fund money only:
 2475 (a) to pay debt service and bond issuance costs for bonds issued under Sections
 2476 63B-16-102, 63B-18-402, and 63B-27-102;

- 2477 (b) for right-of-way acquisition, new construction, major renovations, and improvements
2478 to highways within a county of the first class and to pay any debt service and bond
2479 issuance costs related to those projects, including improvements to a highway located
2480 within a municipality in a county of the first class where the municipality is located
2481 within the boundaries of more than a single county;
- 2482 (c) for the construction, acquisition, use, maintenance, or operation of:
- 2483 (i) an active transportation facility for nonmotorized vehicles;
- 2484 (ii) multimodal transportation that connects an origin with a destination; or
- 2485 (iii) a facility that may include a:
- 2486 (A) pedestrian or nonmotorized vehicle trail;
- 2487 (B) nonmotorized vehicle storage facility;
- 2488 (C) pedestrian or vehicle bridge; or
- 2489 (D) vehicle parking lot or parking structure;
- 2490 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
2491 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the
2492 amounts transferred in accordance with Subsection 72-2-124(4)(a)(v);
- 2493 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
2494 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the
2495 projects described in Subsection 63B-18-401(4)(a);
- 2496 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
2497 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in
2498 the fund, to transfer an amount equal to 50% of the revenue generated by the local
2499 option highway construction and transportation corridor preservation fee imposed
2500 under Section 41-1a-1222 in a county of the first class:
- 2501 (i) to the legislative body of a county of the first class; and
- 2502 (ii) to be used by a county of the first class for:
- 2503 (A) highway construction, reconstruction, or maintenance projects; or
- 2504 (B) the enforcement of state motor vehicle and traffic laws;
- 2505 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified
2506 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
2507 and the transfer under Subsection (4)(e) has been made, to annually transfer an
2508 amount of the sales and use tax revenue imposed in a county of the first class and
2509 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an
2510 amount needed to cover the debt to:

- 2511 (i) the appropriate debt service or sinking fund for the repayment of bonds issued
2512 under Section 63B-27-102; and
- 2513 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
2514 under Sections 63B-31-102 and 63B-31-103;
- 2515 (h) after the department has verified that the amount required under Subsection
2516 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d),
2517 the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has
2518 been made, to annually transfer \$2,000,000 to a public transit district in a county of
2519 the first class to fund a system for public transit;
- 2520 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
2521 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
2522 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),
2523 and the transfer under Subsection (4)(g)(i) has been made, through fiscal year 2027,
2524 to annually transfer 20%, and beginning with fiscal year 2028, and each year
2525 thereafter for 20 years, to annually transfer 33% of the amount deposited into the
2526 fund under Subsection (2)(b) to the legislative body of a county of the first class for
2527 the following purposes:
- 2528 (i) to fund parking facilities in a county of the first class that facilitate significant
2529 economic development and recreation and tourism within the state; and
- 2530 (ii) to be used for purposes allowed in Section 17-78-702;
- 2531 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for
2532 15 years thereafter, to annually transfer the following amounts to the following cities
2533 and the county of the first class for priority projects to mitigate congestion and
2534 improve transportation safety:
- 2535 (i) \$2,000,000 to Sandy;
- 2536 (ii) \$2,300,000 to Taylorsville;
- 2537 (iii) \$1,100,000 to Salt Lake City;
- 2538 (iv) \$1,100,000 to West Jordan;
- 2539 (v) \$1,100,000 to West Valley City;
- 2540 (vi) \$800,000 to Herriman;
- 2541 (vii) \$700,000 to Draper;
- 2542 (viii) \$700,000 to Riverton;
- 2543 (ix) \$700,000 to South Jordan;
- 2544 (x) \$500,000 to Bluffdale;

- 2545 (xi) \$500,000 to Midvale;
- 2546 (xii) \$500,000 to Millcreek;
- 2547 (xiii) \$500,000 to Murray;
- 2548 (xiv) \$400,000 to Cottonwood Heights; and
- 2549 (xv) \$300,000 to Holladay;
- 2550 (k) for the 2024-25, 2025-26, ~~and~~ 2026-27, and 2027-28 fiscal years, and subject to
- 2551 revenue balances after the distributions under Subsection (4)(j), to reimburse the
- 2552 following municipalities for the amounts and projects indicated, as each project
- 2553 progresses and as revenue balances allow:
- 2554 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from
- 2555 Grandville Avenue to Mountain View Corridor;
- 2556 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street
- 2557 and 700 West;
- 2558 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements
- 2559 throughout Salt Lake City;
- 2560 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard
- 2561 and 2300 East;
- 2562 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800
- 2563 South and I-15;
- 2564 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;
- 2565 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
- 2566 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal Trail
- 2567 between 11800 South and 13800 South;
- 2568 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700
- 2569 South;
- 2570 (x) \$470,000 to the department for construction of a sound wall on Bangerter
- 2571 Highway at approximately 11200 South;
- 2572 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800
- 2573 South and 5300 South;
- 2574 (xii) \$1,840,000 to Magna for construction and improvements to 8400 West and 4100
- 2575 South;
- 2576 (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting U-111
- 2577 and Old Bingham Highway;
- 2578 (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000 East

- 2579 between 3300 South and Atkin Avenue;
- 2580 (xv) \$1,230,000 to Holladay for improvements to Highland Drive between Van
- 2581 Winkle Expressway and Arbor Lane;
- 2582 (xvi) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215
- 2583 interchange;
- 2584 (xvii) \$3,750,000 to West Valley City for improvements to 4000 West between 4100
- 2585 South and 4700 South and improvements to 4700 South from 4000 West to
- 2586 Bangerter Highway;
- 2587 (xviii) \$1,700,000 to South Jordan for improvements to Prosperity Road between
- 2588 Crimson View Drive and Copper Hawk Drive;
- 2589 (xix) \$2,300,000 to West Valley City for a road connecting U-111 at approximately
- 2590 6200 South, then east and turning north and connecting to 5400 South;
- 2591 (xx) \$1,400,000 to Magna for improvements to 8000 West between 3500 South to
- 2592 4100 South;
- 2593 (xxi) \$1,300,000 to Taylorsville for improvements on 4700 South between Redwood
- 2594 Road and 2700 West; and
- 2595 (xxii) \$3,000,000 to West Jordan for improvements to 1300 West between 6600
- 2596 South and 7800 South; and
- 2597 (l) for a fiscal year beginning on or after July 1, 2026, and for 15 years thereafter, to pay
- 2598 debt service and bond issuance costs for \$70,000,000 of the bonds issued under
- 2599 Section 63B-34-201 for the grants awarded under Part 5, Affordable Housing
- 2600 Infrastructure Grants.
- 2601 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in
- 2602 Subsection (4)(j), the executive director shall proportionately reduce the amounts
- 2603 transferred as described in Subsection (4)(j).
- 2604 (b) A local government may not use revenue described in Subsection (4)(j) to supplant
- 2605 existing class B or class C road funds that a local government has budgeted for
- 2606 transportation projects.
- 2607 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
- 2608 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
- 2609 and 63B-27-102 are considered a local matching contribution for the purposes described
- 2610 under Section 72-2-123.
- 2611 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as
- 2612 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as

- 2613 provided in Part 4, Public Transit Innovation Grants.
- 2614 (8) The additional administrative costs of the department to administer this fund shall be
2615 paid from money in the fund.
- 2616 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on
2617 the use or expenditure of the revenue sources deposited into this fund, the Department of
2618 Transportation may use the money in this fund for any of the purposes detailed in
2619 Subsection (4).
- 2620 (10) Subject to Subsection (11), any revenue deposited into the fund as described in
2621 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,
2622 operations, and supporting infrastructure in the county of the first class.
- 2623 (11) For the first three years after a county of the first class imposes a sales and use tax
2624 authorized in Section 59-12-2220, revenue deposited into the fund as described in
2625 Subsection (2)(e) shall be allocated as follows:
- 2626 (a) 10% to the department [~~to construct~~] for an express bus facility on 5600 West; and
2627 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section
2628 72-2-302.
- 2629 (12) A local government that receives an allocation from the fund shall annually provide to
2630 the Transportation and Infrastructure Appropriations Subcommittee a report that
2631 accounts for the money received, how the money has been spent, and the status of each
2632 project for which money was allocated to the local government.
- 2633 Section 20. Section **72-2-124** is amended to read:
- 2634 **72-2-124 (Effective 05/06/26) (Superseded 07/01/26). Transportation Investment**
2635 **Fund of 2005.**
- 2636 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
2637 2005.
- 2638 (2) The fund consists of money generated from the following sources:
- 2639 (a) any voluntary contributions received for the maintenance, construction,
2640 reconstruction, or renovation of state and federal highways;
- 2641 (b) appropriations made to the fund by the Legislature;
- 2642 (c) registration fees designated under Section 41-1a-1201;
- 2643 (d) the sales and use tax revenues deposited into the fund in accordance with Section
2644 59-12-103;
- 2645 (e) revenues transferred to the fund in accordance with Section 72-2-106;
- 2646 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(1); and

- 2647 (g) revenue from bond proceeds described in Section 63B-34-101.
- 2648 (3)(a) The fund shall earn interest.
- 2649 (b) All interest earned on fund money shall be deposited into the fund.
- 2650 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
- 2651 money to pay:
- 2652 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 2653 federal highways prioritized by the Transportation Commission through the
- 2654 prioritization process for new transportation capacity projects adopted under
- 2655 Section 72-1-304;
- 2656 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
- 2657 highway projects described in Subsections 63B-18-401(2), (3), and (4);
- 2658 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
- 2659 Section 72-5-401;
- 2660 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 2661 minus the costs paid from the County of the First Class Highway Projects Fund in
- 2662 accordance with Subsection 72-2-121(4)(e);
- 2663 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 2664 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
- 2665 amount certified by Salt Lake County in accordance with Subsection
- 2666 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the
- 2667 revenue bonds issued by Salt Lake County;
- 2668 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 2669 for projects prioritized in accordance with Section 72-2-125;
- 2670 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 2671 Class Highway Projects Fund created in Section 72-2-121 to be used for the
- 2672 purposes described in Section 72-2-121;
- 2673 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
- 2674 the costs needed for construction, reconstruction, or renovation of paved
- 2675 pedestrian or paved nonmotorized transportation for projects that:
- 2676 (A) mitigate traffic congestion on the state highway system;
- 2677 (B) are part of an active transportation plan approved by the department; and
- 2678 (C) are prioritized by the commission through the prioritization process for new
- 2679 transportation capacity projects adopted under Section 72-1-304;
- 2680 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,

- 2681 reconstruction, or renovation of or improvement to the following projects:
- 2682 (A) the connector road between Main Street and 1600 North in the city of
- 2683 Vineyard;
- 2684 (B) Geneva Road from University Parkway to 1800 South;
- 2685 (C) the SR-97 interchange at 5600 South on I-15;
- 2686 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
- 2687 South Jordan Parkway;
- 2688 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 2689 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 2690 (G) widening I-15 between mileposts 6 and 8;
- 2691 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 2692 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
- 2693 in Spanish Fork Canyon;
- 2694 (J) I-15 northbound between mileposts 43 and 56;
- 2695 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
- 2696 43 and 45.1;
- 2697 (L) east Zion SR-9 improvements;
- 2698 (M) Toquerville Parkway;
- 2699 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 2700 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
- 2701 for construction of an interchange on Bangerter Highway at 13400 South; and
- 2702 (P) an environmental impact study for Kimball Junction in Summit County;
- 2703 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 2704 costs based upon a statement of cash flow that the local jurisdiction where the
- 2705 project is located provides to the department demonstrating the need for money
- 2706 for the project, for the following projects in the following amounts:
- 2707 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 2708 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 2709 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 2710 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
- 2711 40 between mile markers 7 and 10;
- 2712 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way
- 2713 acquisition, construction, reconstruction, or renovation to connect Fingerhut Road
- 2714 over the railroad and to U.S. Highway 6;

- 2715 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from
2716 revenue deposited into the fund in accordance with Section 59-12-103, for the
2717 following projects:
- 2718 (A) \$3,000,000 for the department to perform an environmental study for the I-15
2719 Salem and Benjamin project; and
- 2720 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand
2721 Dunes Road project; and
- 2722 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of
2723 right-of-way acquisition and construction for improvements on SR-89 in a county
2724 of the first class.
- 2725 (b) The executive director may use fund money to exchange for an equal or greater
2726 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 2727 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
2728 not commence until a right-of-way not owned by a federal agency that is required
2729 for the realignment and extension of U-111, as described in the department's 2023
2730 environmental study related to the project, is dedicated to the department.
- 2731 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
2732 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
2733 department may proceed with the project, except that the project will be limited to
2734 two lanes on U-111 from Herriman Parkway to 11800 South.
- 2735 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
2736 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive
2737 director may not program fund money to a project prioritized by the commission
2738 under Section 72-1-304, including fund money from the Transit Transportation
2739 Investment Fund, within the boundaries of the municipality until the department
2740 receives notification from the Housing and Community Development Division within
2741 the Department of Workforce Services that ineligibility under this Subsection (5) no
2742 longer applies to the municipality.
- 2743 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
2744 director:
- 2745 (i) may program fund money in accordance with Subsection (4)(a) for a
2746 limited-access facility or interchange connecting limited-access facilities;
- 2747 (ii) may not program fund money for the construction, reconstruction, or renovation
2748 of an interchange on a limited-access facility;

- 2749 (iii) may program Transit Transportation Investment Fund money for a
2750 multi-community fixed guideway public transportation project; and
2751 (iv) may not program Transit Transportation Investment Fund money for the
2752 construction, reconstruction, or renovation of a station that is part of a fixed
2753 guideway public transportation project.
- 2754 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
2755 director before July 1, 2022, for projects prioritized by the commission under Section
2756 72-1-304.
- 2757 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
2758 ineligibility for a county as described in Subsection 17-80-202(8), the executive
2759 director may not program fund money to a project prioritized by the commission
2760 under Section 72-1-304, including fund money from the Transit Transportation
2761 Investment Fund, within the boundaries of the unincorporated area of the county until
2762 the department receives notification from the Housing and Community Development
2763 Division within the Department of Workforce Services that ineligibility under this
2764 Subsection (6) no longer applies to the county.
- 2765 (b) Within the boundaries of the unincorporated area of a county described in Subsection
2766 (6)(a), the executive director:
- 2767 (i) may program fund money in accordance with Subsection (4)(a) for a
2768 limited-access facility to a project prioritized by the commission under Section
2769 72-1-304;
- 2770 (ii) may not program fund money for the construction, reconstruction, or renovation
2771 of an interchange on a limited-access facility;
- 2772 (iii) may program Transit Transportation Investment Fund money for a
2773 multi-community fixed guideway public transportation project; and
2774 (iv) may not program Transit Transportation Investment Fund money for the
2775 construction, reconstruction, or renovation of a station that is part of a fixed
2776 guideway public transportation project.
- 2777 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
2778 director before July 1, 2022, for projects prioritized by the commission under Section
2779 72-1-304.
- 2780 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
2781 any fiscal year, the department and the commission shall appear before the Executive
2782 Appropriations Committee of the Legislature and present the amount of bond

- 2783 proceeds that the department needs to provide funding for the projects identified in
2784 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
2785 or next fiscal year.
- 2786 (b) The Executive Appropriations Committee of the Legislature shall review and
2787 comment on the amount of bond proceeds needed to fund the projects.
- 2788 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
2789 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
2790 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
2791 service or sinking fund.
- 2792 (9) The executive director may only use money in the fund for corridor preservation as
2793 described in Subsection (4)(a)(iii):
- 2794 (a) if the project has been prioritized by the commission, including the use of fund
2795 money for corridor preservation; or
- 2796 (b) for a project that has not been prioritized by the commission, if the commission:
- 2797 (i) approves the use of fund money for the corridor preservation; and
2798 (ii) finds that the use of fund money for corridor preservation will not result in any
2799 delay to a project that has been prioritized by the commission.
- 2800 (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
2801 Transportation Investment Fund.
- 2802 (b) The fund shall be funded by:
- 2803 (i) contributions deposited into the fund in accordance with Section 59-12-103;
2804 (ii) appropriations into the account by the Legislature;
2805 (iii) deposits of sales and use tax increment related to a housing and transit
2806 reinvestment zone as described in Section 63N-3-610;
2807 (iv) transfers of local option sales and use tax revenue as described in Subsection
2808 59-12-2220(11)(b) or (c);
2809 (v) private contributions; and
2810 (vi) donations or grants from public or private entities.
- 2811 (c)(i) The fund shall earn interest.
2812 (ii) All interest earned on fund money shall be deposited into the fund.
- 2813 (d) [~~Subject to Subsection (10)(e), the~~] The commission may prioritize money from the
2814 fund:
- 2815 (i) subject to Subsection (10)(e), for public transit capital development of new
2816 capacity projects and fixed guideway capital development projects to be used as

- 2817 prioritized by the commission through the prioritization process adopted under
2818 Section 72-1-304;
- 2819 (ii) to the department for oversight of a fixed guideway capital development project
2820 for which the department has responsibility;~~[-or]~~
- 2821 (iii) up to \$500,000 per year, to be used for a public transit study[-] ; or
- 2822 (iv) subject to Subsection (10)(k), to the department for corridor preservation, as that
2823 term is defined in Section 72-5-401.
- 2824 (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize
2825 money from the fund for a public transit capital development project or pedestrian
2826 or nonmotorized transportation project that provides connection to the public
2827 transit system if the public transit district or political subdivision provides funds of
2828 equal to or greater than 30% of the costs needed for the project.
- 2829 (ii) A public transit district or political subdivision may use money derived from a
2830 loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide
2831 all or part of the 30% requirement described in Subsection (10)(e)(i) if:
- 2832 (A) the loan is approved by the commission as required in Part 2, State
2833 Infrastructure Bank Fund; and
- 2834 (B) the proposed capital project has been prioritized by the commission [~~pursuant~~
2835 ~~to~~] in accordance with Section 72-1-303.
- 2836 (f) Before July 1, 2022, the department and a large public transit district shall enter into
2837 an agreement for a large public transit district to pay the department \$5,000,000 per
2838 year for 15 years to be used to facilitate the purchase of zero emissions or low
2839 emissions rail engines and trainsets for regional public transit rail systems.
- 2840 (g) For any revenue transferred into the fund in accordance with Subsection
2841 59-12-2220(11)(b):
- 2842 (i) the commission may prioritize money from the fund for public transit projects,
2843 operations, or maintenance within the county of the first class; and
- 2844 (ii) Subsection (10)(e) does not apply.
- 2845 (h) For any revenue transferred into the fund in accordance with Subsection
2846 59-12-2220(11)(c):
- 2847 (i) the commission may prioritize public transit projects, operations, or maintenance
2848 in the county from which the revenue was generated; and
- 2849 (ii) Subsection (10)(e) does not apply.
- 2850 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for

2851 the project described in Subsection (10)(e) does not apply to a public transit capital
2852 development project or pedestrian or nonmotorized transportation project that the
2853 department proposes.

2854 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may
2855 prioritize money from the fund for public transit innovation grants, as defined in
2856 Section 72-2-401, for public transit capital development projects requested by a
2857 political subdivision within a public transit district.

2858 (k) The executive director may only use money in the fund for corridor preservation as
2859 described in Subsection (10)(d)(iv):

2860 (i) if the project has been prioritized by the commission, including the use of fund
2861 money for corridor preservation; or

2862 (ii) for a project that has not been prioritized by the commission, if the commission:

2863 (A) approves the use of fund money for the corridor preservation; and

2864 (B) determines that the use of fund money for corridor preservation will not result
2865 in any delay to a project that has been prioritized by the commission.

2866 (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
2867 Canyons Transportation Investment Fund.

2868 (b) The fund shall be funded by:

2869 (i) money deposited into the fund in accordance with Section 59-12-103;

2870 (ii) appropriations into the account by the Legislature;

2871 (iii) private contributions; and

2872 (iv) donations or grants from public or private entities.

2873 (c)(i) The fund shall earn interest.

2874 (ii) All interest earned on fund money shall be deposited into the fund.

2875 (d) The Legislature may appropriate money from the fund for public transit or
2876 transportation projects in the Cottonwood Canyons of Salt Lake County.

2877 (e) The department may use up to 2% of the revenue deposited into the account under
2878 Subsection 59-12-103(7)(b) to contract with local governments as necessary for
2879 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

2880 (f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any
2881 sales and use tax growth over sales and use tax collections during the 2025 fiscal year
2882 to fund projects to provide ingress and egress for a public transit hub, including
2883 construction of the public transit hub, in the Big Cottonwood Canyon area.

2884 (12)(a) There is created in the Transportation Investment Fund of 2005 the Active

- 2885 Transportation Investment Fund.
- 2886 (b) The fund shall be funded by:
- 2887 (i) money deposited into the fund in accordance with Section 59-12-103;
- 2888 (ii) appropriations into the account by the Legislature; and
- 2889 (iii) donations or grants from public or private entities.
- 2890 (c)(i) The fund shall earn interest.
- 2891 (ii) All interest earned on fund money shall be deposited into the fund.
- 2892 (d) The executive director may only use fund money to pay the costs needed for:
- 2893 [~~(i) the planning, design, construction, maintenance, reconstruction, or renovation of~~
- 2894 ~~paved pedestrian or paved nonmotorized trail projects that:]~~
- 2895 ~~[(A) are prioritized by the commission through the prioritization process for new~~
- 2896 ~~transportation capacity projects adopted under Section 72-1-304;]~~
- 2897 ~~[(B) serve a regional purpose; and]~~
- 2898 ~~[(C) are part of an active transportation plan approved by the department or the~~
- 2899 ~~plan described in Subsection (12)(d)(ii);]~~
- 2900 [~~(ii) the development of a plan for a statewide network of paved pedestrian or paved~~
- 2901 ~~nonmotorized trails that serve a regional purpose; and]~~
- 2902 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
- 2903 Utah trail network projects as prioritized by the commission using the
- 2904 prioritization process described in Section 72-1-304;
- 2905 (ii) the development of a plan for the Utah trail network;
- 2906 (iii) the preservation of future Utah trail network corridor; and
- 2907 [~~(iii)] (iv) the administration of the fund, including staff and overhead costs.~~
- 2908 (13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is
- 2909 defined in Section 63N-3-602.
- 2910 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
- 2911 Subaccount.
- 2912 (c) The subaccount shall be funded by:
- 2913 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 2914 (ii) appropriations into the subaccount by the Legislature;
- 2915 (iii) private contributions; and
- 2916 (iv) donations or grants from public or private entities.
- 2917 (d)(i) The subaccount shall earn interest.
- 2918 (ii) All interest earned on money in the subaccount shall be deposited into the

2919 subaccount.

2920 (e) As prioritized by the commission through the prioritization process adopted under
 2921 Section 72-1-304 or as directed by the Legislature, the department may only use
 2922 money from the subaccount for projects that improve the state's commuter rail
 2923 infrastructure, including the building or improvement of grade-separated crossings
 2924 between commuter rail lines and public highways.

2925 (f) Appropriations made in accordance with this section are nonlapsing in accordance
 2926 with Section 63J-1-602.1.

2927 Section 21. Section **72-2-124** is amended to read:

2928 **72-2-124 (Effective 07/01/26). Transportation Investment Fund of 2005.**

2929 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
 2930 2005.

2931 (2) The fund consists of money generated from the following sources:

2932 (a) any voluntary contributions received for the maintenance, construction,
 2933 reconstruction, or renovation of state and federal highways;

2934 (b) appropriations made to the fund by the Legislature;

2935 (c) registration fees designated under Section 41-1a-1201;

2936 (d) the sales and use tax revenues deposited into the fund in accordance with Section
 2937 59-12-103;

2938 (e) revenues transferred to the fund in accordance with Section 72-2-106;

2939 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and

2940 (g) revenue from bond proceeds described in Section 63B-34-201.

2941 (3)(a) The fund shall earn interest.

2942 (b) All interest earned on fund money shall be deposited into the fund.

2943 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
 2944 money to pay:

2945 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
 2946 federal highways prioritized by the Transportation Commission through the
 2947 prioritization process for new transportation capacity projects adopted under
 2948 Section 72-1-304;

2949 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
 2950 highway projects described in Subsections 63B-18-401(2), (3), and (4);

2951 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
 2952 Section 72-5-401;

- 2953 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
2954 minus the costs paid from the County of the First Class Highway Projects Fund in
2955 accordance with Subsection 72-2-121(4)(e);
- 2956 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
2957 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
2958 amount certified by Salt Lake County in accordance with Subsection
2959 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the
2960 revenue bonds issued by Salt Lake County;
- 2961 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
2962 for projects prioritized in accordance with Section 72-2-125;
- 2963 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
2964 Class Highway Projects Fund created in Section 72-2-121 to be used for the
2965 purposes described in Section 72-2-121;
- 2966 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
2967 the costs needed for construction, reconstruction, or renovation of paved
2968 pedestrian or paved nonmotorized transportation for projects that:
- 2969 (A) mitigate traffic congestion on the state highway system;
- 2970 (B) are part of an active transportation plan approved by the department; and
- 2971 (C) are prioritized by the commission through the prioritization process for new
2972 transportation capacity projects adopted under Section 72-1-304;
- 2973 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
2974 reconstruction, or renovation of or improvement to the following projects:
- 2975 (A) the connector road between Main Street and 1600 North in the city of
2976 Vineyard;
- 2977 (B) Geneva Road from University Parkway to 1800 South;
- 2978 (C) the SR-97 interchange at 5600 South on I-15;
- 2979 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
2980 South Jordan Parkway;
- 2981 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 2982 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 2983 (G) widening I-15 between mileposts 6 and 8;
- 2984 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 2985 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
2986 in Spanish Fork Canyon;

- 2987 (J) I-15 northbound between mileposts 43 and 56;
- 2988 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
- 2989 43 and 45.1;
- 2990 (L) east Zion SR-9 improvements;
- 2991 (M) Toquerville Parkway;
- 2992 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 2993 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
- 2994 for construction of an interchange on Bangert Highway at 13400 South; and
- 2995 (P) an environmental impact study for Kimball Junction in Summit County;
- 2996 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 2997 costs based upon a statement of cash flow that the local jurisdiction where the
- 2998 project is located provides to the department demonstrating the need for money
- 2999 for the project, for the following projects in the following amounts:
- 3000 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 3001 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 3002 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 3003 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
- 3004 40 between mile markers 7 and 10;
- 3005 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way
- 3006 acquisition, construction, reconstruction, or renovation to connect Fingerhut Road
- 3007 over the railroad and to U.S. Highway 6;
- 3008 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from
- 3009 revenue deposited into the fund in accordance with Section 59-12-103, for the
- 3010 following projects:
- 3011 (A) \$3,000,000 for the department to perform an environmental study for the I-15
- 3012 Salem and Benjamin project; and
- 3013 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand
- 3014 Dunes Road project; and
- 3015 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of
- 3016 right-of-way acquisition and construction for improvements on SR-89 in a county
- 3017 of the first class.
- 3018 (b) The executive director may use fund money to exchange for an equal or greater
- 3019 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 3020 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may

- 3021 not commence until a right-of-way not owned by a federal agency that is required
3022 for the realignment and extension of U-111, as described in the department's 2023
3023 environmental study related to the project, is dedicated to the department.
- 3024 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
3025 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
3026 department may proceed with the project, except that the project will be limited to
3027 two lanes on U-111 from Herriman Parkway to 11800 South.
- 3028 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
3029 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive
3030 director may not program fund money to a project prioritized by the commission
3031 under Section 72-1-304, including fund money from the Transit Transportation
3032 Investment Fund, within the boundaries of the municipality until the department
3033 receives notification from the Housing and Community Development Division within
3034 the Department of Workforce Services that ineligibility under this Subsection (5) no
3035 longer applies to the municipality.
- 3036 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
3037 director:
- 3038 (i) may program fund money in accordance with Subsection (4)(a) for a
3039 limited-access facility or interchange connecting limited-access facilities;
- 3040 (ii) may not program fund money for the construction, reconstruction, or renovation
3041 of an interchange on a limited-access facility;
- 3042 (iii) may program Transit Transportation Investment Fund money for a
3043 multi-community fixed guideway public transportation project; and
- 3044 (iv) may not program Transit Transportation Investment Fund money for the
3045 construction, reconstruction, or renovation of a station that is part of a fixed
3046 guideway public transportation project.
- 3047 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
3048 director before July 1, 2022, for projects prioritized by the commission under Section
3049 72-1-304.
- 3050 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
3051 ineligibility for a county as described in Subsection 17-80-202(8), the executive
3052 director may not program fund money to a project prioritized by the commission
3053 under Section 72-1-304, including fund money from the Transit Transportation
3054 Investment Fund, within the boundaries of the unincorporated area of the county until

- 3055 the department receives notification from the Housing and Community Development
3056 Division within the Department of Workforce Services that ineligibility under this
3057 Subsection (6) no longer applies to the county.
- 3058 (b) Within the boundaries of the unincorporated area of a county described in Subsection
3059 (6)(a), the executive director:
- 3060 (i) may program fund money in accordance with Subsection (4)(a) for a
3061 limited-access facility to a project prioritized by the commission under Section
3062 72-1-304;
- 3063 (ii) may not program fund money for the construction, reconstruction, or renovation
3064 of an interchange on a limited-access facility;
- 3065 (iii) may program Transit Transportation Investment Fund money for a
3066 multi-community fixed guideway public transportation project; and
- 3067 (iv) may not program Transit Transportation Investment Fund money for the
3068 construction, reconstruction, or renovation of a station that is part of a fixed
3069 guideway public transportation project.
- 3070 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
3071 director before July 1, 2022, for projects prioritized by the commission under Section
3072 72-1-304.
- 3073 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
3074 any fiscal year, the department and the commission shall appear before the Executive
3075 Appropriations Committee of the Legislature and present the amount of bond
3076 proceeds that the department needs to provide funding for the projects identified in
3077 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
3078 or next fiscal year.
- 3079 (b) The Executive Appropriations Committee of the Legislature shall review and
3080 comment on the amount of bond proceeds needed to fund the projects.
- 3081 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
3082 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
3083 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
3084 service or sinking fund.
- 3085 (9) The executive director may only use money in the fund for corridor preservation as
3086 described in Subsection (4)(a)(iii):
- 3087 (a) if the project has been prioritized by the commission, including the use of fund
3088 money for corridor preservation; or

- 3089 (b) for a project that has not been prioritized by the commission, if the commission:
- 3090 (i) approves the use of fund money for the corridor preservation; and
- 3091 (ii) finds that the use of fund money for corridor preservation will not result in any
- 3092 delay to a project that has been prioritized by the commission.
- 3093 (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
- 3094 Transportation Investment Fund.
- 3095 (b) The fund shall be funded by:
- 3096 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 3097 (ii) appropriations into the account by the Legislature;
- 3098 (iii) deposits of sales and use tax increment related to a housing and transit
- 3099 reinvestment zone as described in Section 63N-3-610;
- 3100 (iv) transfers of local option sales and use tax revenue as described in Subsection
- 3101 59-12-2220(11)(b) or (c);
- 3102 (v) private contributions; and
- 3103 (vi) donations or grants from public or private entities.
- 3104 (c)(i) The fund shall earn interest.
- 3105 (ii) All interest earned on fund money shall be deposited into the fund.
- 3106 (d) [~~Subject to Subsection (10)(e), the~~] The commission may prioritize money from the
- 3107 fund:
- 3108 (i) subject to Subsection (10)(e), for public transit capital development of new
- 3109 capacity projects and fixed guideway capital development projects to be used as
- 3110 prioritized by the commission through the prioritization process adopted under
- 3111 Section 72-1-304;
- 3112 (ii) to the department for oversight of a fixed guideway capital development project
- 3113 for which the department has responsibility; or
- 3114 (iii) up to \$500,000 per year, to be used for a public transit study[-] ; or
- 3115 (iv) subject to Subsection (10)(k), to the department for corridor preservation, as that
- 3116 term is defined in Section 72-5-401.
- 3117 (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize
- 3118 money from the fund for a public transit capital development project or pedestrian
- 3119 or nonmotorized transportation project that provides connection to the public
- 3120 transit system if the public transit district or political subdivision provides funds of
- 3121 equal to or greater than 30% of the costs needed for the project.
- 3122 (ii) A public transit district or political subdivision may use money derived from a

- 3123 loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide
 3124 all or part of the 30% requirement described in Subsection (10)(e)(i) if:
- 3125 (A) the loan is approved by the commission as required in Part 2, State
 3126 Infrastructure Bank Fund; and
- 3127 (B) the proposed capital project has been prioritized by the commission [~~pursuant~~
 3128 ~~to~~] in accordance with Section 72-1-303.
- 3129 (f) Before July 1, 2022, the department and a large public transit district shall enter into
 3130 an agreement for a large public transit district to pay the department \$5,000,000 per
 3131 year for 15 years to be used to facilitate the purchase of zero emissions or low
 3132 emissions rail engines and trainsets for regional public transit rail systems.
- 3133 (g) For any revenue transferred into the fund in accordance with Subsection
 3134 59-12-2220(11)(b):
- 3135 (i) the commission may prioritize money from the fund for public transit projects,
 3136 operations, or maintenance within the county of the first class; and
- 3137 (ii) Subsection (10)(e) does not apply.
- 3138 (h) For any revenue transferred into the fund in accordance with Subsection
 3139 59-12-2220(11)(c):
- 3140 (i) the commission may prioritize public transit projects, operations, or maintenance
 3141 in the county from which the revenue was generated; and
- 3142 (ii) Subsection (10)(e) does not apply.
- 3143 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
 3144 the project described in Subsection (10)(e) does not apply to a public transit capital
 3145 development project or pedestrian or nonmotorized transportation project that the
 3146 department proposes.
- 3147 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may
 3148 prioritize money from the fund for public transit innovation grants, as defined in
 3149 Section 72-2-401, for public transit capital development projects requested by a
 3150 political subdivision within a public transit district.
- 3151 (k) The executive director may only use money in the fund for corridor preservation as
 3152 described in Subsection (10)(d)(iv):
- 3153 (i) if the project has been prioritized by the commission, including the use of fund
 3154 money for corridor preservation; or
- 3155 (ii) for a project that has not been prioritized by the commission, if the commission:
 3156 (A) approves the use of fund money for the corridor preservation; and

3157 (B) determines that the use of fund money for corridor preservation will not result
3158 in any delay to a project that has been prioritized by the commission.

3159 (l)(i) The commission may, beginning July 1, 2026, prioritize up to \$3,000,000 from
3160 the fund to provide bus-replacement funding to one or more public transit
3161 providers that:

3162 (A) have not received funding from the Transit Transportation Investment Fund
3163 for a new project described in Subsection (10)(e)(i) within the previous 36
3164 months; and

3165 (B) are located in a county of the third, fourth, fifth, or sixth class.

3166 (ii) To be eligible for bus-replacement funding under this Subsection (10)(l), the
3167 public transit provider shall provide a local match as follows:

3168 (A) a 50% local match if the county and municipality in which the public transit
3169 provider is located has imposed a total of five of the optional sales and use
3170 taxes described in Section 59-12-2203;

3171 (B) a 60% local match if the county and municipality in which the public transit
3172 provider is located has imposed a total of four of the optional sales and use
3173 taxes described in Section 59-12-2203; or

3174 (C) a 70% local match if the county and municipality in which the public transit
3175 provider is located has imposed a total of three or fewer of the optional sales
3176 and use taxes described in Section 59-12-2203.

3177 (iii) The department shall determine a process and deadlines for receiving
3178 applications for the bus-replacement funding.

3179 (iv) Under this Subsection (10)(l), if total applications for bus-replacement funding
3180 exceed \$3,000,000, the commission shall establish a process to prioritize the
3181 award of funding.

3182 (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
3183 Canyons Transportation Investment Fund.

3184 (b) The fund shall be funded by:

3185 (i) money deposited into the fund in accordance with Section 59-12-103;

3186 (ii) appropriations into the account by the Legislature;

3187 (iii) private contributions; and

3188 (iv) donations or grants from public or private entities.

3189 (c)(i) The fund shall earn interest.

3190 (ii) All interest earned on fund money shall be deposited into the fund.

- 3191 (d) The Legislature may appropriate money from the fund for public transit or
 3192 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 3193 (e) The department may use up to 2% of the revenue deposited into the account under
 3194 Subsection 59-12-103(4)(f) to contract with local governments as necessary for
 3195 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.
- 3196 (f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any
 3197 sales and use tax growth over sales and use tax collections during the 2025 fiscal year
 3198 to fund projects to provide ingress and egress for a public transit hub, including
 3199 construction of the public transit hub, in the Big Cottonwood Canyon area.
- 3200 (12)(a) There is created in the Transportation Investment Fund of 2005 the Active
 3201 Transportation Investment Fund.
- 3202 (b) The fund shall be funded by:
- 3203 (i) money deposited into the fund in accordance with Section 59-12-103;
 3204 (ii) appropriations into the account by the Legislature; and
 3205 (iii) donations or grants from public or private entities.
- 3206 (c)(i) The fund shall earn interest.
 3207 (ii) All interest earned on fund money shall be deposited into the fund.
- 3208 (d) The executive director may only use fund money to pay the costs needed for:
- 3209 [~~(i) the planning, design, construction, maintenance, reconstruction, or renovation of~~
 3210 ~~paved pedestrian or paved nonmotorized trail projects that:]~~
 3211 [~~(A) are prioritized by the commission through the prioritization process for new~~
 3212 ~~transportation capacity projects adopted under Section 72-1-304;]~~
 3213 [~~(B) serve a regional purpose; and]~~
 3214 [~~(C) are part of an active transportation plan approved by the department or the~~
 3215 ~~plan described in Subsection (12)(d)(ii);]~~
 3216 [~~(ii) the development of a plan for a statewide network of paved pedestrian or paved~~
 3217 ~~nonmotorized trails that serve a regional purpose; and]~~
 3218 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
 3219 Utah trail network projects as prioritized by the commission using the
 3220 prioritization process described in Section 72-1-304;
 3221 (ii) the development of a plan for the Utah trail network;
 3222 (iii) the preservation of future Utah trail network corridor; and
 3223 [~~(iii)] (iv) the administration of the fund, including staff and overhead costs.~~
- 3224 (13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is

- 3225 defined in Section 63N-3-602.
- 3226 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
3227 Subaccount.
- 3228 (c) The subaccount shall be funded by:
- 3229 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 3230 (ii) appropriations into the subaccount by the Legislature;
- 3231 (iii) private contributions; and
- 3232 (iv) donations or grants from public or private entities.
- 3233 (d)(i) The subaccount shall earn interest.
- 3234 (ii) All interest earned on money in the subaccount shall be deposited into the
3235 subaccount.
- 3236 (e) As prioritized by the commission through the prioritization process adopted under
3237 Section 72-1-304 or as directed by the Legislature, the department may only use
3238 money from the subaccount for projects that improve the state's commuter rail
3239 infrastructure, including the building or improvement of grade-separated crossings
3240 between commuter rail lines and public highways.
- 3241 (f) Appropriations made in accordance with this section are nonlapsing in accordance
3242 with Section 63J-1-602.1.
- 3243 Section 22. Section **72-2-131** is amended to read:
- 3244 **72-2-131 (Effective 05/06/26). Rail Transportation Subaccount -- Grants for**
3245 **railroad crossing safety.**
- 3246 (1) As used in this section, "eligible entity" means:
- 3247 (a) a public entity, as defined in Section 72-2-301; or
- 3248 (b) a private entity that is exempt from federal income taxation under Section 501(c)(3),
3249 Internal Revenue Code.
- 3250 (2) There is created in the Transit Transportation Investment Fund, created in Section
3251 72-2-124, the Rail Transportation Subaccount.
- 3252 (3) The subaccount shall be funded by:
- 3253 (a) appropriations to the subaccount by the Legislature;
- 3254 (b) private contributions;
- 3255 (c) donations or grants from public or private entities; and
- 3256 (d) interest earned on money in the account.
- 3257 (4) Upon appropriation, the department shall:
- 3258 (a) use an amount equal to 10% of the money deposited into the subaccount to provide

- 3259 grants in accordance with Subsection (5);
- 3260 (b) use an amount equal to 10% of the money deposited into the subaccount to pay:
- 3261 (i) the costs of performing environmental impact studies in connection with
- 3262 construction, reconstruction, or renovation projects related to railroad crossings on
- 3263 class A, class B, or class C roads; or
- 3264 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
- 3265 under Subsection 63B-31-101(6); and
- 3266 (c) use the remaining money deposited into the subaccount to pay:
- 3267 (i) the costs of construction, reconstruction, or renovation projects related to:
- 3268 (A) railroad crossings on class A, class B, or class C roads; or
- 3269 (B) railroad infrastructure owned by the state that has been damaged or impacted
- 3270 by erosion;
- 3271 (ii) debt service related to a project described in Subsection (4)(b);
- 3272 (iii) the appropriate debt service or sinking fund for the repayment of bonds issued
- 3273 under Subsection 63B-31-101(5); or
- 3274 (iv) ongoing maintenance costs of at-grade crossings between rail lines and public
- 3275 highways.
- 3276 (5)(a) The department may award grants to one or more eligible entities to be used for
- 3277 the purpose of improving safety at railroad crossings on class A, class B, or class C
- 3278 roads.
- 3279 (b) An eligible entity may use grant money for any expense related to improving safety
- 3280 at railroad crossings on class A, class B, or class C roads, including:
- 3281 (i) signage; and
- 3282 (ii) safety enhancements to a railroad crossing.
- 3283 (c) The department shall prioritize, in the following order, grants to applicants that
- 3284 propose projects impacting railroad crossings that:
- 3285 (i) have demonstrated safety concerns, including emergency services access; and
- 3286 (ii) have high levels of vehicular and pedestrian traffic.
- 3287 Section 23. Section **72-2-201** is amended to read:
- 3288 **72-2-201 (Effective 05/06/26). Definitions.**
- 3289 As used in this part:
- 3290 (1) "Fund" means the State Infrastructure Bank Fund created under Section 72-2-202.
- 3291 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan,
- 3292 to provide financial assistance for transportation projects or publicly owned

- 3293 infrastructure projects, including:
- 3294 (a) capital reserves and other security for bond or debt instrument financing; or
- 3295 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a
- 3296 public entity to finance transportation projects.
- 3297 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project or
- 3298 publicly owned infrastructure project.
- 3299 (4) "Public entity" means a state agency, county, municipality, [-]special district, special
- 3300 service district, an intergovernmental entity organized under state law, an independent
- 3301 entity as defined in Section 63E-1-102, or the military installation development authority
- 3302 created in Section 63H-1-201.
- 3303 (5) "Publicly owned infrastructure project" means a project to improve sewer or water
- 3304 infrastructure that is owned by a public entity.
- 3305 (6) "Transportation project":
- 3306 (a) means a project:
- 3307 (i) to improve a state or local highway;
- 3308 (ii) to improve a public transportation facility or nonmotorized transportation facility;
- 3309 (iii) to construct or improve parking facilities;
- 3310 (iv) that is subject to a transportation reinvestment zone agreement [~~pursuant to~~] in
- 3311 accordance with Section 11-13-227 if the state is party to the agreement; or
- 3312 (v) that is part of a housing and transit reinvestment zone created [~~pursuant to~~] in
- 3313 accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment
- 3314 Zone Act;
- 3315 (b) includes the costs of acquisition, construction, reconstruction, rehabilitation,
- 3316 equipping, and fixturing; and
- 3317 (c) may only include a project if the project is part of:
- 3318 (i) the statewide long range plan;
- 3319 (ii) a regional transportation plan of the area metropolitan planning organization if a
- 3320 metropolitan planning organization exists for the area; or
- 3321 (iii) a local government general plan or economic development initiative.
- 3322 Section 24. Section **72-2-301** is amended to read:
- 3323 **72-2-301 (Effective 05/06/26). Definitions.**
- 3324 As used in this part:
- 3325 (1) "Fund" means the County of the First Class Infrastructure Bank Fund created under
- 3326 Section [~~72-2-402~~] 72-2-302.

- 3327 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan,
 3328 to provide financial assistance for transportation projects or publicly owned
 3329 infrastructure projects, including:
- 3330 (a) capital reserves and other security for bond or debt instrument financing; or
 3331 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a
 3332 public entity to finance transportation projects.
- 3333 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project or
 3334 publicly owned infrastructure project.
- 3335 (4) "Public entity" means a county of the first class or any of the following located within a
 3336 county of the first class:
- 3337 (a) a municipality;
 3338 (b) an independent entity, as defined in Section 63E-1-102;
 3339 ~~(b)~~ (c) a special district;
 3340 ~~(c)~~ (d) a special service district; or
 3341 ~~(d)~~ (e) an intergovernmental entity organized under state law.
- 3342 (5) "Publicly owned infrastructure project" means a project to improve sewer or water
 3343 infrastructure that is owned by a public entity.
- 3344 (6)(a) "Transportation project" means a project:
- 3345 ~~(a)~~ (i) to improve a state or local highway;
 3346 ~~(b)~~ (ii) to improve a public transportation facility or nonmotorized transportation
 3347 facility;
 3348 ~~(c)~~ (iii) to construct or improve parking facilities;
 3349 ~~(d)~~ (iv) that is subject to a transportation reinvestment zone agreement [~~pursuant to~~]
 3350 in accordance with Section 11-13-227 if the state is party to the agreement; or
 3351 ~~(e)~~ (v) that is part of a housing and transit reinvestment zone created [~~pursuant to~~] in
 3352 accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment
 3353 Zone Act.
- 3354 ~~(7)~~ (b) "Transportation project" includes the costs of acquisition, construction,
 3355 reconstruction, rehabilitation, equipping, and fixturing.
- 3356 ~~(8)~~ (c) "Transportation project" may only include a project if the project is part of:
- 3357 ~~(a)~~ (i) the statewide long range plan;
 3358 ~~(b)~~ (ii) a regional transportation plan of the area metropolitan planning organization
 3359 if a metropolitan planning organization exists for the area; or
 3360 ~~(c)~~ (iii) a local government general plan or economic development initiative.

3361 Section 25. Section **72-5-102** is amended to read:

3362 **72-5-102 (Effective 05/06/26). Definitions.**

3363 As used in this part, "state transportation purposes" includes:

- 3364 (1) highway, public transit facility, and transportation rights-of-way, including those
3365 necessary within cities and towns;
- 3366 (2) the construction, reconstruction, relocation, improvement, maintenance, and mitigation
3367 from the effects of these activities on state highways and other transportation facilities,
3368 including parking facilities, under the control of the department;
- 3369 (3) limited access facilities, including rights of access, air, light, and view and frontage and
3370 service roads to highways;
- 3371 (4) adequate drainage in connection with any highway, cut, fill, or channel change and the
3372 maintenance of any highway, cut, fill, or channel change;
- 3373 (5) weighing stations, shops, offices, storage buildings and yards, and road maintenance or
3374 construction sites;
- 3375 (6) road material sites, sites for the manufacture of road materials, and access roads to the
3376 sites;
- 3377 (7) the maintenance of an unobstructed view of any portion of a highway to promote the
3378 safety of the traveling public;
- 3379 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,
3380 barriers, and obstructions for the convenience of the traveling public;
- 3381 (9) the construction and maintenance of storm sewers, sidewalks, and highway illumination;
- 3382 (10) the construction and maintenance of livestock highways;
- 3383 (11) the construction and maintenance of roadside rest areas adjacent to or near any
3384 highway;[-and]
- 3385 (12) the mitigation of impacts from transportation projects[-] ; and
- 3386 (13) any other transportation purpose for which the department has responsibility under this
3387 title.

3388 Section 26. Section **72-6-120** is amended to read:

3389 **72-6-120 (Effective 05/06/26). Department authorized to participate in federal**
3390 **program assuming responsibility for environmental review of transportation projects --**
3391 **Rulemaking authority.**

3392 (1) The department may:

- 3393 (a) assume responsibilities under 23 U.S.C. Sec. 326 for:
- 3394 (i) determining whether [~~state highway~~] transportation design and construction

- 3395 projects are categorically excluded from requirements for environmental
 3396 assessments or environmental impact statements; and
 3397 (ii) environmental review, consultation, or other actions required under federal law
 3398 for categorically excluded projects;
- 3399 (b) assume responsibilities under 23 U.S.C. Sec. 327 with respect to one or more
 3400 railroad, public transportation, highway, or multimodal projects within the state under
 3401 the National Environmental Policy Act of 1969 for environmental review,
 3402 consultation, or other action required under any federal environmental law pertaining
 3403 to the review or approval of a specific [~~highway~~] transportation project;
- 3404 (c) enter one or more memoranda of understanding with the United States Department of
 3405 Transportation related to [~~federal highway~~] transportation programs as provided in 23
 3406 U.S.C. Secs. 326 and 327 subject to the requirements of Subsection 72-1-207(5);
- 3407 (d) accept, receive, and administer grants, other money, or gifts from public and private
 3408 agencies, including the federal government, for the purpose of carrying out the
 3409 programs authorized under this section; and
- 3410 (e) cooperate with the federal government in implementing this section and any
 3411 memorandum of understanding entered into under Subsection 72-1-207(5).
- 3412 (2) Notwithstanding any other provision of law, in implementing a program under this
 3413 section that is approved by the United States Department of Transportation, the
 3414 department is authorized to:
- 3415 (a) perform or conduct any of the activities described in a memorandum of
 3416 understanding entered into under Subsection 72-1-207(5);
- 3417 (b) take actions necessary to implement the program; and
- 3418 (c) adopt relevant federal environmental standards as the standards for this state for
 3419 categorically excluded projects.
- 3420 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 3421 department may makes rules to implement the provisions of this section.
- 3422 Section 27. Section **72-9-102** is amended to read:
- 3423 **72-9-102 (Effective 05/06/26). Definitions.**
- 3424 As used in this chapter:
- 3425 (1)(a) "Commercial vehicle" includes:
- 3426 (i) an interstate commercial vehicle;
- 3427 (ii) an intrastate commercial vehicle; and
- 3428 (iii) a tow truck.

- 3429 (b) "Commercial vehicle" does not include the following vehicles for purposes of this
3430 chapter:
- 3431 (i) equipment owned and operated by the United States Department of Defense when
3432 driven by any active duty military personnel and members of the reserves and
3433 national guard on active duty including personnel on full-time national guard duty,
3434 personnel on part-time training, and national guard military technicians and
3435 civilians who are required to wear military uniforms and are subject to the code of
3436 military justice;
- 3437 (ii) firefighting and emergency vehicles, operated by emergency personnel, not
3438 including commercial tow trucks;
- 3439 (iii) recreational vehicles that are driven solely as family or personal conveyances for
3440 noncommercial purposes; or
- 3441 (iv) vehicles owned by the state or a local government.
- 3442 (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used on
3443 a highway in interstate commerce to transport passengers or property if the vehicle:
- 3444 (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds,
3445 or gross combination weight rating or gross combination weight of 10,001 or more
3446 pounds, whichever is greater;
- 3447 (b) is designed or used to transport more than eight passengers, including the driver, for
3448 compensation;
- 3449 (c) is designed or used to transport more than 15 passengers, including the driver, and is
3450 not used to transport passengers for compensation; or
- 3451 (d)(i) is used to transport materials designated as hazardous in accordance with 49
3452 U.S.C. Sec. 5103; and
- 3453 (ii) is required to be placarded in accordance with regulations under 49 C.F.R.,
3454 Subtitle B, Chapter I, Subchapter C.
- 3455 (3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer
3456 used or maintained for business, compensation, or profit to transport passengers or
3457 property on a highway only within the boundaries of this state if the commercial vehicle:
- 3458 (a)(i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or
3459 gross combination weight rating or gross combination weight of 26,001 or more
3460 pounds, whichever is greater, and is operated by an individual who is 18 years old
3461 or older; or
- 3462 (ii) has a manufacturer's gross vehicle weight rating or gross combination weight

3463 rating of 16,001 or more pounds and is operated by an individual who is under 18
3464 years old;

3465 (b)(i) is designed to transport more than 15 passengers, including the driver; or

3466 (ii) is designed to transport more than 12 passengers, including the driver, and has a
3467 manufacturer's gross vehicle weight rating or gross combination weight rating of
3468 13,000 or more pounds; or

3469 (c) is used in the transportation of hazardous materials and is required to be placarded in
3470 accordance with 49 C.F.R. Part 172, Subpart F.

3471 (4) "Motor carrier" means a person engaged in or transacting the business of transporting
3472 passengers, freight, merchandise, or other property by a commercial vehicle on a
3473 highway within this state and includes a tow truck business.

3474 (5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as that
3475 term is defined in Section 41-1a-102.

3476 (6) "Property owner" means the owner or lessee of real property.

3477 (7) "State impound yard" means the same as that term is defined in Section 41-1a-102.

3478 (8) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped
3479 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized,
3480 or impounded vehicles from a highway or other place by means of a crane, hoist, tow
3481 bar, tow line, dolly, tilt bed, or other means.

3482 (9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting
3483 business for tow truck services.

3484 (10) "Tow truck operator" means an individual that performs operations related to a tow
3485 truck service as an employee or as an independent contractor on behalf of a tow truck
3486 motor carrier.

3487 (11) "Tow truck service" means the functions and any ancillary operations associated with
3488 recovering, removing, and towing a vehicle and its load from a highway or other place
3489 by means of a tow truck.

3490 (12) "Towing entity" means:

3491 (a) a political subdivision of this state;

3492 (b) a state agency;

3493 (c) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act;
3494 or

3495 (d) a special service district created under Title 17D, Chapter 1, Special Service District
3496 Act.

3497 [(12)] (13) "Transportation" means the actual movement of property or passengers by motor
 3498 vehicle, including loading, unloading, and any ancillary service provided by the motor
 3499 carrier in connection with movement by motor vehicle, which is performed by or on
 3500 behalf of the motor carrier, its employees or agents, or under the authority of the motor
 3501 carrier, its employees or agents, or under the apparent authority and with the knowledge
 3502 of the motor carrier.

3503 Section 28. Section **72-9-602** is amended to read:

3504 **72-9-602 (Effective 05/06/26). Towing inspections, investigations, and**
 3505 **certification -- Equipment requirements -- Consumer information.**

3506 (1)(a) The department shall inspect, investigate, and certify tow truck motor carriers,
 3507 tow trucks, and tow truck operators to ensure compliance with this chapter and
 3508 compliance with Sections 41-6a-1406 and 41-6a-1407.

3509 (b) The inspection, investigation, and certification shall be conducted [~~prior to~~] before
 3510 any tow truck operation and at least every two years thereafter.

3511 (c)(i) The department shall issue an authorized towing certificate for each tow truck
 3512 motor carrier, tow truck, and tow truck operator that complies with this part and
 3513 rules made by the department in accordance with Subsection [~~(6)~~] (8).

3514 (ii) The authorized towing certificate described in this section shall expire two years
 3515 from the month of issuance.

3516 (d) The department may charge a biennial fee established under Section 63J-1-504 to
 3517 cover the cost of the inspection, investigation, and certification required under this
 3518 part.

3519 (2)(a) To qualify for an authorized towing certificate described in Subsection (1), a tow
 3520 truck operator shall:

3521 (i) submit to a fingerprint-based criminal background check, as described in
 3522 Subsection (3); and

3523 (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec.
 3524 391.45.

3525 (b) For each tow truck operator employed, a tow truck motor carrier shall:

3526 (i) maintain records of the updated background checks and a valid medical
 3527 examiner's certificate, as required under this section; and

3528 (ii) biennially, make the records described in Subsection (2)(b)(i) available to the
 3529 department.

3530 (3)(a) Before a tow truck motor carrier may hire an individual as a tow truck operator

- 3531 and receive an authorized towing certificate from the department as required in
3532 Subsection (2), the tow truck motor carrier shall require the individual to submit to
3533 the Department of Public Safety:
- 3534 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
 - 3535 (ii) consent to a state and regional fingerprint background check by the Bureau of
3536 Criminal Identification.
- 3537 (b) The Bureau of Criminal Identification shall:
- 3538 (i) check the fingerprints submitted under this section against the applicable state and
3539 regional criminal records databases;
 - 3540 (ii) report the results of the background check to the requesting tow truck motor
3541 carrier;
 - 3542 (iii) maintain a separate file of fingerprints submitted under this part for search by
3543 future submissions to the local and regional criminal records databases, including
3544 latent prints; and
 - 3545 (iv) establish a privacy risk mitigation strategy to ensure that the entity only receives
3546 notifications for the individuals with whom the entity maintains an authorizing
3547 relationship.
- 3548 (c)(i) Except for an individual hired as a tow truck operator before July 1, 2017, the
3549 department shall deny an individual's authorized towing certification, and the
3550 individual may not operate a tow truck in this state, if the individual has been
3551 convicted of any felony offense within the previous two years.
- 3552 (ii) The department may deny or revoke the authorized towing certification of a tow
3553 truck motor carrier that employs an individual who fails to comply with the
3554 background check required in this section.
- 3555 (4) The department shall make available to the public electronically accessible consumer
3556 protection information, including a list of all tow truck motor carriers that are currently
3557 certified by the department.
- 3558 (5) The department may deny a tow truck motor carrier's certification if the department has
3559 evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the
3560 Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under
3561 Section 72-9-603.
- 3562 (6)(a) If the department determines that a tow truck motor carrier has violated a
3563 provision of this part or an administrative rule made [~~pursuant to~~] in accordance with
3564 this part, the department may:

- 3565 (i) deny or revoke a tow truck motor carrier's certification under this part;
- 3566 (ii) impose a civil penalty up to \$2,000 for each violation; and
- 3567 (iii) require the removal of the tow truck motor carrier from a towing dispatch
- 3568 rotation as described in Section 72-9-604.
- 3569 (b) If the department requires the removal of a tow truck motor carrier from a towing
- 3570 dispatch rotation, contract, or request for proposal as described in Section 72-9-604,
- 3571 the department shall:
- 3572 (i) notify the Department of Public Safety and any relevant towing entity, as that term
- 3573 is defined in Section 72-9-604, of the removal; and
- 3574 (ii) notify the tow truck motor carrier of the removal.
- 3575 (c) A notice described in Subsection (6)(b) shall:
- 3576 (i) identify the tow truck motor carrier; and
- 3577 (ii) specify how long the tow truck motor carrier is required to be removed from the
- 3578 towing dispatch rotation.

3579 (7) The department may not certify a tow truck motor carrier under this part if the tow truck

3580 motor carrier does not have and maintain an internet presence that conforms with the

3581 requirements established by the department.

3582 [~~(7)~~] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

3583 department shall make rules:

- 3584 (a) governing the inspection, investigation, and certification procedures described in this
- 3585 section[.]; and
- 3586 (b) to establish standards for the online presence requirements described in Subsection
- 3587 (7).

3588 Section 29. Section **72-9-603** is amended to read:

3589 **72-9-603 (Effective 05/06/26). Towing notice requirements -- Cost**

3590 **responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and**

3591 **certification.**

- 3592 (1) Except for a tow truck service that was ordered by a peace officer, a person acting on
- 3593 behalf of a law enforcement agency, or a highway authority, after performing a tow
- 3594 truck service that is being done without the vehicle, vessel, or outboard motor owner's
- 3595 knowledge, the tow truck operator or the tow truck motor carrier shall:
- 3596 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
- 3597 or outboard motor:
- 3598 (i) provide relevant information to the impound vehicle service system database

- 3599 administered by the Motor Vehicle Division, including:
- 3600 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
- 3601 (B) a description of the vehicle, vessel, or outboard motor; and
- 3602 (C) the vehicle identification number or vessel or outboard motor identification
- 3603 number; and
- 3604 (ii) contact the law enforcement agency having jurisdiction over the area where the
- 3605 vehicle, vessel, or outboard motor was picked up and notify the agency of the:
- 3606 (A) location of the vehicle, vessel, or outboard motor;
- 3607 (B) date, time, and location from which the vehicle, vessel, or outboard motor was
- 3608 removed;
- 3609 (C) reasons for the removal of the vehicle, vessel, or outboard motor;
- 3610 (D) person who requested the removal of the vehicle, vessel, or outboard motor;
- 3611 and
- 3612 (E) description, including the identification number, license number, or other
- 3613 identification number issued by a state agency, of the vehicle, vessel, or
- 3614 outboard motor;
- 3615 (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner
- 3616 or operator, within two business days of performing the tow truck service under
- 3617 Subsection (1)(a), send a certified letter to the last-known address of each party
- 3618 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
- 3619 outboard motor obtained from the Motor Vehicle Division or, if the person has actual
- 3620 knowledge of the party's address, to the current address, notifying the party of the:
- 3621 (i) location of the vehicle, vessel, or outboard motor;
- 3622 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
- 3623 removed;
- 3624 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 3625 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 3626 (v) a description, including its identification number and license number or other
- 3627 identification number issued by a state agency; and
- 3628 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 3629 (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard
- 3630 motor was removed, provide the owner or operator with a copy of the Utah
- 3631 Consumer Bill of Rights Regarding Towing established by the department in
- 3632 Subsection (16)(e).

- 3633 (2) Until the tow truck operator or tow truck motor carrier reports the information required
3634 under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard
3635 may not:
- 3636 (a) collect any fee associated with the removal; or
 - 3637 (b) begin charging storage fees.
- 3638 (3)(a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck
3639 motor carrier may not perform a tow truck service at the request or direction of a
3640 private property owner or the property owner's agent unless:
- 3641 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the
3642 tow truck service; or
 - 3643 (ii) the property owner erects signage that meets the requirements of:
 - 3644 (A) Subsection (4)(b)(ii); and
 - 3645 (B) Subsection (7) or (8).
- 3646 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or
3647 outboard motor:
- 3648 (i) from a location where parking is prohibited by law, including:
 - 3649 (A) a designated fire lane;
 - 3650 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked
3651 parking stall or space; or
 - 3652 (C) a marked parking stall or space legally designated for disabled persons;
 - 3653 (ii) from a location where it is reasonably apparent that the location is not open to
3654 parking;
 - 3655 (iii) from a location where all public access points are controlled by:
 - 3656 (A) a permanent gate, door, or similar feature allowing the vehicle to access the
3657 facility; or
 - 3658 (B) a parking attendant;
 - 3659 (iv) from a location that materially interferes with access to private property;
 - 3660 (v) from the property of a detached single-family dwelling or duplex; or
 - 3661 (vi) pursuant to a legal repossession.
- 3662 (4)(a) A private property owner may, subject to the requirements of a local ordinance,
3663 enforce parking restrictions by:
- 3664 (i) authorizing a tow truck motor carrier to patrol and monitor the property and
3665 enforce parking restrictions on behalf of the property owner in accordance with
3666 Subsection (7);

- 3667 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck
3668 motor carrier on a case-by-case basis in accordance with Subsection (8); or
3669 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written
3670 notice in accordance with Subsection (9).
- 3671 (b)(i) Any agreement between a private property owner and tow truck motor carrier
3672 authorizing the tow truck motor carrier to patrol and monitor the property under
3673 Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck
3674 motor carrier to remove a vehicle, vessel, or outboard motor from the property.
- 3675 (ii) In addition to the signage described in Subsection (7) or (8), a private property
3676 owner who allows public parking shall erect appropriate signage on the property
3677 indicating clear instructions for parking at the property.
- 3678 (iii) Where a single parking area includes abutting parcels of property owned by two
3679 or more private property owners who enforce different parking restrictions under
3680 Subsection (7) or (8), each property owner shall, in addition to the requirements
3681 under Subsection (7) or (8), erect signage as required by this section:
- 3682 (A) at each entrance to the property owner's parcel from another property owner's
3683 parcel; and
- 3684 (B) if there is no clearly defined entrance between one property owner's parcel and
3685 another property owner's parcel, at intervals of 40 feet or less along the line
3686 dividing the property owner's parcel from the other property owner's parcel.
- 3687 (iv) Where there is no clearly defined entrance to a parking area from a highway, the
3688 property owner shall erect signage as required by this section at intervals of 40
3689 feet or less along any portion of a property line where a vehicle, vessel, or
3690 outboard motor may enter the parking area.
- 3691 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from,
3692 subject to the provisions of this section, instituting and enforcing regulations for parking
3693 at the property.
- 3694 (6) In addition to any other powers provided by law, a political subdivision or state agency
3695 may:
- 3696 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on
3697 property that is:
- 3698 (i) owned by the political subdivision or state agency;
- 3699 (ii) located outside of the public right-of-way; and
- 3700 (iii) open to public parking; and

- 3701 (b) request or direct a tow truck service in order to abate a public nuisance on private
 3702 property over which the political subdivision or state agency has jurisdiction.
- 3703 (7) For private property where parking is enforced under Subsection (4)(a)(i), the property
 3704 owner shall ensure that each entrance to the property has signs located on the property
 3705 and clearly visible to the driver of a vehicle entering the property that substantially
 3706 comply with the following, as determined by the department:
- 3707 (a) a top sign that is 24 inches tall by 18 inches wide and has:
- 3708 (i) a blue, reflective background with a 1/2 inch white border;
- 3709 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is
 3710 Patrolled";
- 3711 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an
 3712 entire tow truck, a tow hook, and an entire vehicle being towed; and
- 3713 (iv) two-inch, white letters at the bottom of the sign with the capitalized words
 3714 "Towing Enforced"; and
- 3715 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
 3716 border, and has:
- 3717 (i) a top half that is red background with white, reflective letters indicating:
- 3718 (A) who is authorized to park or restricted from parking at the property; and
- 3719 (B) any type of vehicle prohibited from parking at the property; and
- 3720 (ii) a bottom half that has a white, reflective background with red letters indicating:
- 3721 (A) the name and telephone number of the tow truck motor carrier that the
 3722 property owner has authorized to patrol the property; and
- 3723 (B) the ~~[Internet]~~ internet web address "tow.utah.gov".
- 3724 (8)(a) For private property where parking is enforced under Subsection (4)(a)(ii)~~[:]~~
- 3725 ~~[(+)]~~ a tow truck motor carrier may not:
- 3726 ~~[(A)]~~ (i) patrol and monitor the property;
- 3727 ~~[(B)]~~ (ii) perform a tow truck service without the written or verbal request of the
 3728 property owner or the property owner's agent; or
- 3729 ~~[(C)]~~ (iii) act as the property owner's agent to request a tow truck service.
- 3730 (b) For private property where parking is enforced under Subsection (4)(a)(ii), the
 3731 property owner shall ensure that each entrance to the property has a clearly visible
 3732 sign located on the property that substantially follows the following format, as
 3733 determined by the department:
- 3734 (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective

- 3735 border, and has:
- 3736 (A) at the top of the sign, a blue background with a white, reflective towing logo
- 3737 that is at least four inches tall and 16 inches wide that depicts an entire tow
- 3738 truck, a tow hook, and an entire vehicle being towed;
- 3739 (B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a
- 3740 blue background with white, reflective letters at least two inches tall with the
- 3741 capitalized words "Towing Enforced"; and
- 3742 (C) in the middle of the sign, a red background with white, reflective letters at
- 3743 least one inch tall indicating who is authorized to park or restricted from
- 3744 parking at the property, and any type of vehicle prohibited from parking at the
- 3745 property; and
- 3746 (ii) at the bottom of the sign, a white, reflective background with red letters at least
- 3747 one inch tall indicating:
- 3748 (A) either the name and telephone number of the property owner or the property
- 3749 owner's agent who is authorized to request a tow truck service, or the name and
- 3750 telephone number of the tow truck motor carrier that provides tow truck
- 3751 services for the property; and
- 3752 (B) the [~~Internet~~] internet web address "tow.utah.gov".
- 3753 (c) If a dispute arises regarding whether a sign required under this section substantially
- 3754 complies with the requirements of this section, the department shall determine
- 3755 whether the sign substantially complies.
- 3756 (9)(a) For private property without signage substantially meeting the requirements of
- 3757 Subsection (7) or (8), as determined by the department, the property owner may
- 3758 request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from
- 3759 the private property 24 hours after the property owner or the property owner's agent
- 3760 affixes a written notice to the vehicle, vessel, or outboard motor in accordance with
- 3761 this Subsection (9).
- 3762 (b) The written notice described in Subsection (9)(a) shall:
- 3763 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or
- 3764 outboard motor;
- 3765 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel,
- 3766 or outboard motor will be towed from the property if it is not removed within 24
- 3767 hours after the time indicated in Subsection (9)(b)(i);
- 3768 (iii) be at least four inches tall and four inches wide; and

- 3769 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on
3770 the driver's side window of the vehicle, vessel, or outboard motor.
- 3771 (c) A property owner may authorize a tow truck motor carrier to act as the property
3772 owner's agent for purposes of affixing the written notice described in Subsection
3773 (9)(a) to a vehicle, vessel, or outboard motor.
- 3774 (10) The department shall publish on the [~~department Internet~~] department's internet website
3775 the signage requirements and written notice requirements and illustrated or
3776 photographed examples of the signage and written notice requirements described in
3777 Subsections (7) through (9).
- 3778 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from
3779 the towing of a vehicle, vessel, or outboard motor from private property that the property
3780 had signage meeting the requirements of:
- 3781 (a) Subsection (4)(b)(ii); and
3782 (b) Subsection (7) or (8).
- 3783 (12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in
3784 Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor
3785 lawfully removed is only responsible for paying:
- 3786 (a) the tow truck service and storage fees set in accordance with Subsection (16); and
3787 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- 3788 (13)(a) As used in this Subsection (13), "life essential item" means:
- 3789 (i) prescription medication;
3790 (ii) medical equipment;
3791 (iii) shoes;
3792 (iv) coats;
3793 (v) food and water;
3794 (vi) child safety seats;
3795 (vii) government-issued photo identification; and
3796 (viii) human remains.
- 3797 (b) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or
3798 outboard motor.
- 3799 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any
3800 nonlife essential items contained in the vehicle, vessel, or outboard motor.
- 3801 (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck
3802 operator, a tow truck motor carrier, or an impound yard shall allow a party described

3803 in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard
3804 motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession
3805 of any life essential item within the vehicle, vessel, or outboard motor during normal
3806 business hours regardless of whether the towing, impound fees, or storage fees have
3807 been paid.

3808 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon
3809 payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an
3810 impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an
3811 interest in the vehicle, vessel, or outboard motor or an individual described in
3812 Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during
3813 normal business hours and remove personal property not attached to the vehicle,
3814 vessel, or outboard motor.

3815 (f) The tow truck operator or tow truck motor carrier shall securely store the vehicle,
3816 vessel, or outboard motor and items described in Subsection (13)(a) in an approved
3817 state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an
3818 interest in the vehicle, vessel, or outboard motor:

3819 (i) pays the fees described in Subsection (12); and

3820 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

3821 (14)(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party
3822 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
3823 outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not,
3824 within 30 days after notice has been sent under Subsection (1)(b):

3825 (i) pay the fees described in Subsection (12); and

3826 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

3827 (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or
3828 outboard motor until at least 30 days after notice has been sent under Subsection
3829 (1)(b).

3830 (15)(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post
3831 and disclose all its current fees, rates, and acceptable forms of payment for tow truck
3832 service and storage of a vehicle in accordance with rules established under
3833 Subsection (16).

3834 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
3835 payment by cash and debit or credit card for a tow truck service under Subsection (1)
3836 or any service rendered, performed, or supplied in connection with a tow truck

3837 service under Subsection (1).

3838 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3839 department shall:

3840 (a) subject to the restriction in Subsection (17), set maximum rates that:

3841 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,
3842 or outboard motor that are transported in response to:

3843 (A) a peace officer dispatch call;

3844 (B) a motor vehicle division call; and

3845 (C) any other call or request where the owner of the vehicle, vessel, or outboard
3846 motor has not consented to the removal;

3847 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard
3848 motor stored as a result of one of the conditions listed under Subsection (16)(a)(i);
3849 and

3850 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or
3851 outboard motor stored as a result of one of the conditions described in Subsection
3852 (16)(a)(i);

3853 (b) establish authorized towing certification requirements, not in conflict with federal
3854 law, related to incident safety, clean-up, and hazardous material handling;

3855 (c) specify the form and content of the posting and disclosure of fees and rates charged
3856 and acceptable forms of payment by a tow truck motor carrier or impound yard;

3857 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
3858 charge for reporting the information required under Subsection (1)(a)(i) and
3859 providing notice of the removal to each party described in Subsection
3860 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required
3861 in Subsection (1)(b);

3862 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
3863 specific information regarding:

3864 (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is
3865 towed;

3866 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the
3867 tow truck service of a vehicle, vessel, or outboard motor that is transported in
3868 response to a call or request where the owner of the vehicle, vessel, or outboard
3869 motor has not consented to the removal; and

3870 (iii) identifies the maximum rates that an impound yard may charge for the storage of

3871 vehicle, vessel, or outboard motor that is transported in response to a call or
3872 request where the owner of the vehicle, vessel, or outboard motor has not
3873 consented to the removal; and

3874 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).

3875 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,
3876 vessel, or outboard motor if:

3877 (a) the vehicle, vessel, or outboard motor is being held as evidence; and

3878 (b) the vehicle, vessel, or outboard motor is not being released to a party described in
3879 Subsection 41-6a-1406(6)(a) or an individual described in Subsection
3880 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle,
3881 vessel, or outboard motor under Section 41-6a-1406.

3882 (18)(a)(i) A tow truck motor carrier may charge a rate up to the maximum rate set by
3883 the department in rules made under Subsection (16).

3884 (ii) In addition to the maximum rates established under Subsection (16) and when
3885 receiving payment by credit card or debit card, a tow truck operator, a tow truck
3886 motor carrier, or an impound yard may charge a card processing fee of 3% of the
3887 transaction total.

3888 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a
3889 higher level than required in rules made [~~pursuant to~~] in accordance with Subsection
3890 (16).

3891 (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or
3892 outboard motor as a result of a tow service that was performed without the consent of
3893 the owner, and that was not ordered by a peace officer or a person acting on behalf of a
3894 law enforcement agency, the tow truck motor carrier or impound yard shall make
3895 personnel available:

3896 (a) by phone 24 hours a day, seven days a week; and

3897 (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one
3898 hour of when the owner calls the tow truck motor carrier or impound yard.

3899 (20)(a) If the tow truck motor carrier, tow truck operator, or impound lot fails to release
3900 the vehicle, vessel, or outboard motor in accordance with Subsection (19), the
3901 individual acting on behalf of the tow truck motor carrier, tow truck operator, or
3902 impound lot may be charged with a violation described in Section 41-1a-1314.

3903 (b) Subsection (20)(a) may be enforced by:

3904 (i) a local law enforcement agency;

- 3905 (ii) Utah Highway Patrol; or
- 3906 (iii) the Motor Vehicle Enforcement Division created in Section 41-3-104.
- 3907 ~~[(20)]~~ (21) A tow truck motor carrier or a tow truck operator may not:
- 3908 (a) share contact or other personal information of an owner of a vehicle, vessel, or
- 3909 outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the
- 3910 tow truck motor carrier or tow truck operator has performed a tow service; and
- 3911 (b) receive payment for referring a person for whom the tow truck motor carrier or tow
- 3912 truck operator has performed a tow service to another service, including:
- 3913 (i) a lawyer referral service;
- 3914 (ii) a medical provider;
- 3915 (iii) a funding agency;
- 3916 (iv) a marketer for any service described in Subsections ~~[(20)(b)(i)]~~ (21)(b)(i) through
- 3917 (iii);
- 3918 (v) a marketer for any other service; or
- 3919 (vi) a third party vendor.

3920 Section 30. Section **72-9-604** is amended to read:

3921 **72-9-604 (Effective 05/06/26). Preemption of local authorities -- Tow trucks.**

3922 (1) As used in this section:

3923 (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described

3924 in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard

3925 motor does not, within 30 days after the day on which notice is issued that the

3926 vehicle, vessel, or outboard motor was towed by a towing entity:

- 3927 (i) pay the relevant fees; and
- 3928 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

3929 (b) "Towing dispatch vendor" means the same as that term is defined in Section

3930 53-1-106.2.

3931 ~~[(b) "Towing entity" means:]~~

3932 ~~[(i) a political subdivision of this state;]~~

3933 ~~[(ii) a state agency;]~~

3934 ~~[(iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation~~

3935 ~~Act; or]~~

3936 ~~[(iv) a special service district created under Title 17D, Chapter 1, Special Service~~

3937 ~~District Act.]~~

3938 (2)(a) Notwithstanding any other provision of law, a political subdivision of this state

- 3939 may ~~[neither enact nor]~~ not enact or enforce any ordinance, regulation, or rule
3940 pertaining to a tow truck motor carrier, tow truck operator, or tow truck that:
- 3941 (i) conflicts with:
- 3942 (A) any provision of this part;
- 3943 (B) Section 41-6a-1401;
- 3944 (C) Section 41-6a-1407; or
- 3945 (D) rules made by the department under this part; or
- 3946 (ii) imposes a maximum rate that deviates from the maximum rates set in rules made
3947 by the department ~~[pursuant to]~~ in accordance with Subsection 72-9-603(16).
- 3948 (b) A county or municipal legislative governing body may not charge a fee for the
3949 storage of an impounded vehicle, vessel, or outboard motor if the county or
3950 municipality:
- 3951 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- 3952 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
3953 holder, or the owner's agent even if the registered owner, lien holder, or the
3954 owner's agent satisfies the requirements to release the vehicle, vessel, or outboard
3955 motor under Section 41-6a-1406.
- 3956 (3) A tow truck motor carrier that has a county or municipal business license for a place of
3957 business located within that county or municipality may not be required to obtain
3958 another business license in order to perform a tow truck service in another county or
3959 municipality if there is not a business location in the other county or municipality.
- 3960 (4) A county or municipal legislative or governing body may not require a tow truck motor
3961 carrier, tow truck, or tow truck operator that has been issued a current, authorized
3962 towing certificate by the department, as described in Section 72-9-602, to obtain an
3963 additional towing certificate.
- 3964 (5) A county or municipal legislative body may require an annual tow truck safety
3965 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602
3966 if:
- 3967 (a) no fee is charged for the inspection; and
- 3968 (b) the inspection complies with federal motor carrier safety regulations.
- 3969 (6)(a) A tow truck shall be subject to only one annual safety inspection under Subsection
3970 (5)(b).
- 3971 (b) A county or municipality that requires ~~[the-]~~ an additional annual safety inspection
3972 shall accept the same inspection performed by another county or municipality.

- 3973 ~~[(7)(a)(i) If a towing entity uses a towing dispatch vendor described in Section~~
 3974 ~~53-1-106.2, the towing entity may charge a fee to cover costs associated with the~~
 3975 ~~use of a dispatch vendor as described in Section 53-1-106.2.]~~
- 3976 ~~[(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may~~
 3977 ~~not exceed the actual costs of the dispatch vendor contracted to provide the~~
 3978 ~~dispatch service.]~~
- 3979 ~~[(b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a~~
 3980 ~~towing dispatch vendor described in Section 53-1-106.2, the towing entity may~~
 3981 ~~not charge a fee to cover costs associated with providing towing dispatch and~~
 3982 ~~rotation service.]~~
- 3983 ~~[(ii) A special service district created under Title 17D, Chapter 1, Special Service~~
 3984 ~~District Act, that charges a dispatch fee on or before January 1, 2023, may~~
 3985 ~~continue to charge a fee related to dispatch costs.]~~
- 3986 ~~[(iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii)~~
 3987 ~~may not exceed an amount reasonably reflective to the actual costs of providing~~
 3988 ~~the towing dispatch and rotation service.]~~
- 3989 ~~[(c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)~~
 3990 ~~unless the relevant governing body of the towing entity has approved the fee amount.]~~
- 3991 (7)(a) A towing entity may charge a fee to cover costs associated with dispatching for
 3992 towing operations.
- 3993 (b) The fee described in Subsection (7)(a) may not exceed 50% of the administrative fee
 3994 described in Subsection 72-9-603(16)(d).
- 3995 ~~[(d)]~~ (c) In addition to fees set by the department in rules made in accordance with
 3996 Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass
 3997 through a fee described in this Subsection (7) to owners, lien holders, or insurance
 3998 providers of towed vehicles, vessels, or outboard motors.
- 3999 (8)(a) In addition to the fees described in Subsection (7), a tow truck operator or tow
 4000 truck motor carrier may charge an additional fee to absorb unrecovered costs of
 4001 abandoned vehicles related to the fees described in ~~[Subsections (7)(a)(i) and~~
 4002 ~~(7)(b)(ii)]~~ Subsection (7)(a).
- 4003 (b) ~~[Beginning May 3, 2023, and ending on June 30, 2025, a]~~ A tow truck operator or
 4004 tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount
 4005 not to exceed an amount greater than ~~[25% of the relevant]~~ 40% of the fee described
 4006 in Subsection ~~[(7)(a)(i) or (7)(b)(ii)]~~ (7)(a).

- 4007 ~~[(e)(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,~~
- 4008 based on data provided by the State Tax Commission, determine the percentage of
- 4009 vehicles, vessels, or outboard motors that were abandoned during the previous
- 4010 year by:]
- 4011 [(A) determining the total number of vehicles, vessels, or outboard motors that
- 4012 were towed as part of a towing entity's towing rotation during the previous
- 4013 calendar year that were also abandoned; and]
- 4014 [(B) dividing the number described in Subsection (8)(c)(i)(A) by the total number
- 4015 of vehicles, vessels, or outboard motors that were towed as part of the towing
- 4016 entity's towing rotation during the previous calendar year.]
- 4017 ~~[(ii) No later than March 31, 2025, and each year thereafter, the towing entity shall~~
- 4018 ~~publish:]~~
- 4019 [(A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and]
- 4020 [(B) the percentage described in Subsection (8)(c)(i).]
- 4021 ~~[(iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a~~
- 4022 ~~tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an~~
- 4023 ~~amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the~~
- 4024 ~~relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).]~~
- 4025 ~~[(d) A tow truck operator or tow truck motor carrier shall list on a separate line on the~~
- 4026 ~~towing invoice any fee described in this Subsection (8).]~~
- 4027 (c) A tow truck operator or tow truck motor carrier shall include on the towing invoice a
- 4028 separate line showing the combined total of the fees described in Subsection (7) and
- 4029 this Subsection (8).
- 4030 (9) A towing entity may not require a tow truck operator who has received an authorized
- 4031 towing certificate from the department to submit additional criminal background check
- 4032 information for inclusion of the tow truck motor carrier on a rotation.
- 4033 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
- 4034 operator that responds may not respond to the location in a tow truck that is owned by a
- 4035 tow truck motor carrier that is different than the tow truck motor carrier that was
- 4036 dispatched.
- 4037 (11) If a towing entity receives a notice from the department as described in Subsection
- 4038 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing
- 4039 entity's towing rotation, contract, or request for proposal as provided in the notice from
- 4040 the department.

4041 (12) A towing entity may not contract with a towing dispatch vendor that requires a tow
4042 truck motor carrier or tow truck operator to manipulate a wireless communication device
4043 in violation of Section 41-6a-1716.

4044 (13) A towing entity or towing dispatch vendor may not require a tow truck motor carrier or
4045 tow truck operator to provide or enter information into a database other than a database
4046 described in Section 41-6a-1406.

4047 Section 31. Section **72-19-401** is amended to read:

4048 **72-19-401 (Effective 05/06/26). Creation of Broadband Equity Access and**
4049 **Deployment Grant Program.**

4050 (1) There is established a grant program known as the Broadband Equity Access and
4051 Deployment Grant Program that is administered by the broadband center in accordance
4052 with:

4053 (a) this part; and

4054 (b) the requirements of the National Telecommunications and Information
4055 Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec.
4056 1702 et seq.

4057 (2) The broadband center shall:

4058 (a) prepare and submit the state's Broadband Equity Access and Deployment application,
4059 including the letter of intent, initial proposal, and final proposal to the National
4060 Telecommunications and Information Administration;

4061 (b) administer the Broadband Equity Access and Deployment Grant Program in
4062 accordance with this section and as approved by the National Telecommunications
4063 and Information Administration;

4064 (c) accept and process an application for subgranted funds; and

4065 (d) ensure that a subgrantee complies with the state's final proposal to the National
4066 Telecommunications and Information Administration.

4067 (3) The department, in coordination with the broadband center, may make rules in
4068 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
4069 administer the grant program.

4070 (4) The broadband center may approve an application for subgranted funds if:

4071 (a) the application meets the requirements of this section;

4072 (b) the application meets any rule made ~~[pursuant to]~~ in accordance with this section;

4073 (c) the application meets the requirements of the National Telecommunications and

4074 Information Administration's Broadband Equity Access and Deployment Program, 47

4075 U.S.C. Sec. 1702 et seq.; and

4076 (d) the broadband center has informed the Transportation Commission about the
4077 application described in Subsection (2)(c).

4078 (5) After the broadband center completes a competitive application process for subgranted
4079 funds[~~but before the broadband center notifies the applicant of the award~~], the
4080 broadband center shall present to the Transportation Commission on the subgrant award.

4081 Section 32. Section **72-20-101** is enacted to read:

4082 **CHAPTER 20. Local Highway Mobility Plans**

4083 **72-20-101 (Effective 05/06/26). Definitions.**

4084 As used in this chapter:

4085 (1) "City" means Salt Lake City.

4086 (2) "Critical capacity routes map" means the map adopted by the city designating roadways
4087 within the study area by tiers to preserve motor vehicle capacity as described in the city's
4088 transportation plans.

4089 (3) "Highway reduction strategy" means a strategy that:

4090 (a) has the potential to permanently decrease the number of vehicles that can travel on an
4091 arterial or a collector highway per hour, including:

4092 (i) reducing the number of motorized vehicle travel lanes on an arterial or collector
4093 highway;

4094 (ii) narrowing existing motorized vehicle travel lanes on an arterial or collector
4095 highway; or

4096 (iii) any other strategy that when implemented may reasonably be expected to
4097 increase congestion or impede traffic flow for motor vehicles driving on an
4098 arterial or collector highway; or

4099 (b) has the potential to permanently reduce the availability of on-street parking.

4100 (4) "Study area" means the area within Salt Lake City that is west of Foothill Drive, east of
4101 Redwood Road, south of 600 North, and extends to the southern boundary of the city.

4102 (5) "Tier four road" means a low-volume, residential or similar road.

4103 (6) "Tier one road" means a regionally significant transportation facility.

4104 (7) "Tier three road" means a low-priority, low-volume street with minimal regional
4105 significance within the transportation network.

4106 (8) "Tier two road" means a corridor important to the transportation network but not
4107 designed or anticipated to carry as much motor vehicle volume as a tier one road.

4108 (9) "Traffic calming measures" means permanent physical or regulatory measures intended

4109 to reduce vehicle speeds or volumes on roadways.

4110 Section 33. Section **72-20-102** is enacted to read:

4111 **72-20-102 (Effective 05/06/26). Adoption and codification of critical capacity**
4112 **routes map -- Agreement.**

4113 (1) On or before January 1, 2027, the city shall:

4114 (a) enter into an agreement with the department that:

4115 (i) identifies and designates each road within the study area as a tier one, tier two, tier
4116 three, or tier four road;

4117 (ii) designates regionally significant highways within the study area as tier one roads
4118 for which, except as provided in Subsection (2)(a), the city may not implement a
4119 project that includes a highway reduction strategy;

4120 (iii) designates highways within the study area as tier two roads for which the city
4121 may implement a project that includes a highway reduction strategy only after the
4122 city:

4123 (A) completes a thorough data collection and impact analysis;

4124 (B) completes a thorough community and business engagement campaign that
4125 includes engagement with key stakeholders; and

4126 (C) receives approval for the project by the department;

4127 (iv) designates highways within the study area as tier three roads for which the city
4128 may implement a project that includes a highway reduction strategy as determined
4129 necessary by the city, consistent with the terms of the agreement;

4130 (v) includes plans and timelines for the city to mitigate the impacts of traffic calming
4131 measures and highway reduction strategies previously implemented on:

4132 (A) 300 West from 400 South to 900 South;

4133 (B) 200 South from 300 West to 300 East; and

4134 (C) 400 South from West Temple to Interstate 15; and

4135 (vi) the city will continually evaluate roads of all tiers within the study area for
4136 safety, efficiency, and effectiveness for all modes of transportation; and

4137 (b) adopt and codify a critical capacity routes map into the city's transportation plans and
4138 ordinances.

4139 (2)(a)(i) The agreement described in Subsection (1)(a) may allow for implementation
4140 of one or more safety improvements on a tier one road described in Subsection
4141 (1)(a)(ii), if the safety improvements are primarily intended to enhance the safety
4142 of all roadway users and do not materially reduce travel capacity or the number of

4143 motorized vehicle travel lanes.

4144 (ii) Before implementing a safety improvement under this Subsection (2), the city
4145 shall:

4146 (A) complete a thorough data collection and impact analysis;

4147 (B) complete a thorough community and business engagement campaign that
4148 includes engagement with key stakeholders; and

4149 (C) receive approval for the project from the department.

4150 (b)(i) Where possible, the city shall maintain the width of a vehicle travel lane on a
4151 tier one road and tier two road within the study area at a width of at least 11 feet.

4152 (ii) The city may not implement a highway reduction strategy on a tier three road
4153 within the study area that permanently reduces the width of a highway lane below
4154 10 feet.

4155 (iii) The department may reject a proposed highway reduction strategy on a tier one
4156 road or tier two road within the study area that, in the department's discretion, is
4157 not in the best interest of traffic management, flow, or safety.

4158 (c)(i) Before the city may reduce parking by three or more parking stalls on a block
4159 face of a tier one or tier two road within the study area, the city shall:

4160 (A) engage with the stakeholders in the immediate vicinity of the block face to
4161 assess potential impacts and alternatives; and

4162 (B) inform the department if the stakeholder engagement described in Subsection
4163 (2)(c)(i)(A) results in a determination to reduce parking by three or more stalls.

4164 (ii) In determining whether a strategy has the potential to permanently impact
4165 availability and accessibility to on-street parking:

4166 (A) a parking fee or hour restriction is not considered a permanent reduction of
4167 parking stalls on a block face; and

4168 (B) if a strategy that reduces on-street parking provides additional parking due to
4169 construction or access to a new or existing parking structure or lot, the
4170 proposed project is not considered a reduction in on-street parking if the
4171 aggregate availability of parking is adequate for existing needs.

4172 (iii) The city shall follow the requirements and guidelines of the agreement described
4173 in Subsection (1)(a) with regard to permanent parking reduction.

4174 (d) To develop the plan for mitigation described in Subsection (1)(a)(v), the city:

4175 (i) may engage and consult with stakeholders and the department to assess potential
4176 impacts and alternatives; and

4177 (ii) shall obtain approval from the department of the proposed plan for each highway.

4178 (3)(a) On or before November 30, 2027, and annually thereafter, the city, in consultation
4179 with the department, shall provide a written report to the Transportation Interim
4180 Committee with an update on the agreement and the status of highway reduction
4181 strategies and projects within the study area.

4182 (b) On or before November 30, 2028, the Transportation Interim Committee shall review
4183 the reports required in Subsection (3)(a) and determine whether the report should
4184 continue.

4185 (4) The city may exercise the city's discretion with regard to any tier four road.

4186 (5) The city shall publish the critical capacity routes map on the city website.

4187 (6) The city mayor and the executive director shall sign and approve the agreement.

4188 Section 34. **Effective Date.**

4189 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

4190 (2) The actions affecting the following sections take effect on July 1, 2026:

4191 (a) Section 59-12-104 (Effective 07/01/26);

4192 (b) Section 59-12-2220 (Effective 07/01/26); and

4193 (c) Section 72-2-124 (Effective 07/01/26).