

## SB0027S03 compared with SB0027

~~{deleted text}~~ shows text that was in SB0027 but was deleted in SB0027S03.

inserted text shows text that was not in SB0027 but was inserted into SB0027S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Wayne A. Harper proposes the following substitute bill:

### TRANSPORTATION REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Kay J. Christofferson

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#### LONG TITLE

##### ~~{Committee Note:~~

~~——— The Transportation Interim Committee recommended this bill.~~

~~——— Legislative Vote: 15 voting for 0 voting against 3 absent~~

##### ~~{General Description:~~

This bill amends code sections related to transportation and motor vehicle items and makes technical corrections.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to station area plans for public transit;
- ▶ amends provisions related to the compensation for a member of the board of trustees of a large public transit district;

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- ▶ prohibits an individual from passing a snowplow on the side where the snowplow blade is deployed;
- ▶ prohibits an individual from passing ~~two~~three or more snowplows operating in echelon formation;
- ▶ requires an individual operating a motor vehicle to move over to avoid a vehicle stopped on the side of a highway;
- ▶ amends provisions related to license plate requirements for a vintage vehicle;
- ▶ amends a required local match of funds to qualify for certain transportation related funds;
- ▶ clarifies the division of responsibilities within the Department of Transportation for oversight of capital development of public transit facilities, shifting that oversight from the executive director to a deputy director;
- ▶ makes technical corrections to motor vehicle and transportation related code sections;
- ▶ amends provisions related to the transfer of real property from the Department of Transportation and a large public transit district;
- ▶ amends provisions related to fees related to tow truck dispatch services; and
- ▶ removes outdated language.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

~~10-9a-401~~10-9a-203, as last amended by Laws of Utah ~~2022~~2021, Chapters

~~282~~84, ~~406~~162 and 345

**10-9a-403**, as last amended by Laws of Utah 2022, Chapters 282, 406 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 406

**10-9a-403.1**, as enacted by Laws of Utah 2022, Chapter 406

17B-2a-808.2, as last amended by Laws of Utah 2022, Chapter 69

**20A-7-601**, as last amended by Laws of Utah 2022, Chapter 406

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41-1a-416, as last amended by Laws of Utah 2008, Chapter 382

41-1a-1201, as last amended by Laws of Utah 2022, Chapter 259

41-6a-102, as last amended by Laws of Utah 2022, Chapters 86, 92 and 104

41-6a-704, as last amended by Laws of Utah 2019, Chapter 49

41-6a-705, as last amended by Laws of Utah 2015, Chapter 412

41-6a-904, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

41-21-1, as last amended by Laws of Utah 2022, Chapter 259

53-3-109, as last amended by Laws of Utah 2020, Chapter 428

63I-1-241, as last amended by Laws of Utah 2022, Chapters 68, 92, 104, and 110

72-1-202, as last amended by Laws of Utah 2022, Chapter 69

72-1-203, as last amended by Laws of Utah 2019, Chapter 479

72-1-301, as last amended by Laws of Utah 2020, Chapters 352, 373

72-1-302, as last amended by Laws of Utah 2020, Chapter 373

72-1-303, as last amended by Laws of Utah 2022, Chapter 99

72-1-304, as last amended by Laws of Utah 2022, Chapter 406

72-1-305, as last amended by Laws of Utah 2018, Chapter 424

72-2-124, as last amended by Laws of Utah 2022, Chapters 69, 259 and 406

72-5-117, as last amended by Laws of Utah 2011, Chapter 289

72-9-604, as last amended by Laws of Utah 2020, Chapters 45, 420

ENACTS:

41-6a-718, Utah Code Annotated 1953

REPEALS AND REENACTS:

53-1-106.2, as enacted by Laws of Utah 2022, Chapter 259

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

Section 1. Section 10-9a-203 is amended to read:

**10-9a-203. Notice of intent to prepare a general plan or comprehensive general plan amendments in certain municipalities.**

(1) Before preparing a proposed general plan or a comprehensive general plan amendment, each municipality within a county of the first or second class shall provide 10 calendar days notice of the municipality's intent to prepare a proposed general plan or a

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comprehensive general plan amendment:

- (a) to each affected entity;
  - (b) to the Utah Geospatial Resource Center created in Section 63A-16-505;
  - (c) to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and
  - (d) on the Utah Public Notice Website created under Section 63A-16-601.
- (2) Each notice under Subsection (1) shall:
- (a) indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;
  - (b) describe or provide a map of the geographic area that will be affected by the general plan or amendment;
  - (c) be sent by mail, e-mail, or other effective means;
  - (d) invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
    - (i) impacts that the use of land proposed in the proposed general plan or amendment may have; and
    - (ii) uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and
  - (e) include the address of an Internet website, if the municipality has one, and the name and telephone number of an individual where more information can be obtained concerning the municipality's proposed general plan or amendment.

~~{ Section 1. Section 10-9a-401 is amended to read:~~

~~10-9a-401. General plan required -- Content.~~

~~(1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt a comprehensive, long-range general plan for:~~

~~(a) present and future needs of the municipality; and~~

~~(b) growth and development of all or any part of the land within the municipality.~~

~~(2) The general plan may provide for:~~

~~(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;~~

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~~—— (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;~~

~~—— (c) the efficient and economical use, conservation, and production of the supply of:~~

~~—— (i) food and water; and~~

~~—— (ii) drainage, sanitary, and other facilities and resources;~~

~~—— (d) the use of energy conservation and solar and renewable energy resources;~~

~~—— (e) the protection of urban development;~~

~~—— (f) if the municipality is a town, the protection or promotion of moderate income housing;~~

~~—— (g) the protection and promotion of air quality;~~

~~—— (h) historic preservation;~~

~~—— (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by an affected entity; and~~

~~—— (j) an official map.~~

~~—— (3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).~~

~~—— (b) On or before October 1, 2022, a specified municipality, as defined in Section 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a).~~

~~—— (4) Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.~~

‡ ~~(5)3~~ A municipality shall send the newly adopted {or modified } general plan and comprehensive general plan amendments to the relevant association of {government} governments within 45 days of the date of adoption.

Section 2. Section 10-9a-403 is amended to read:

### **10-9a-403. General plan preparation.**

(1) (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of the planning commission's intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing the planning commission's

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recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.

(d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate;

(B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(C) except for a city of the fifth class or a town, is coordinated to integrate the land use element with the water use and preservation element; and

(D) except for a city of the fifth class or a town, accounts for the effect of land use categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

(A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;

(B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment,

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education, recreation, and commerce;

(C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and

(D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including [~~one~~] additional moderate income housing [~~strategy~~] strategies as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and

(C) includes an implementation plan as provided in Subsection (2)(c); and

(iv) except for a city of the fifth class or a town, a water use and preservation element that addresses:

(A) the effect of permitted development or patterns of development on water demand and water infrastructure;

(B) methods of reducing water demand and per capita consumption for future development;

(C) methods of reducing water demand and per capita consumption for existing development; and

(D) opportunities for the municipality to modify the municipality's operations to eliminate practices or conditions that waste water.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and

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(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;

(ii) for a town, may include, and for a specified municipality as defined in Section 10-9a-408, shall include[;] an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

(iii) for a town, may include, and for other municipalities, shall include[;] a recommendation to implement three or more of the following moderate income housing strategies:

(A) rezone for densities necessary to facilitate the production of moderate income housing;

(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;

(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;

(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

(F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;

(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;

(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;

(I) amend land use regulations to allow for single room occupancy developments;

(J) implement zoning incentives for moderate income units in new developments;



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(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;

(L) reduce, waive, or eliminate impact fees related to moderate income housing;

(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;

(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;

(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;

(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(S) create a program to transfer development rights for moderate income housing;

(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;

(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;

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(V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

(W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and

(X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing; and

(iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement:

(A) the strategy described in Subsection (2)(b)(iii)(V); and

(B) a strategy described in Subsection (2)(b)(iii)(G), (H), or (Q).

(c) (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.

(ii) The timeline described in Subsection (2)(c)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, whether one-time or ongoing; and

(B) provide flexibility for the municipality to make adjustments as needed.

(d) In drafting the land use element, the planning commission shall:

(i) identify and consider each agriculture protection area within the municipality;

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture; and

(iii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.

(e) In drafting the transportation and traffic circulation element, the planning commission shall:

(i) (A) consider and coordinate with the regional transportation plan developed by the

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municipality's region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or

(B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the municipality is not within the boundaries of a metropolitan planning organization; and

(ii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.

(f) In drafting the water use and preservation element, the planning commission:

(i) shall consider:

(A) applicable regional water conservation goals recommended by the Division of Water Resources; and

(B) if Section 73-10-32 requires the municipality to adopt a water conservation plan pursuant to Section 73-10-32, the municipality's water conservation plan;

(ii) shall include a recommendation for:

(A) water conservation policies to be determined by the municipality; and

(B) landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;

(iii) shall review the municipality's land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water;

(iv) shall consider principles of sustainable landscaping, including the:

(A) reduction or limitation of the use of lawn or turf;

(B) promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation;

(C) preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions;

(D) elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation;

(E) reduction of yard waste; and

(F) use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated;

(v) shall consult with the public water system or systems serving the municipality with

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drinking water regarding how implementation of the land use element and water use and preservation element may affect:

(A) water supply planning, including drinking water source and storage capacity consistent with Section 19-4-114; and

(B) water distribution planning, including master plans, infrastructure asset management programs and plans, infrastructure replacement plans, and impact fee facilities plans;

(vi) may include recommendations for additional water demand reduction strategies, including:

(A) creating a water budget associated with a particular type of development;

(B) adopting new or modified lot size, configuration, and landscaping standards that will reduce water demand for new single family development;

(C) providing one or more water reduction incentives for existing development such as modification of existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand;

(D) discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand; and

(E) adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development; and

(vii) for a town, may include, and for another municipality, shall include, a recommendation for low water use landscaping standards for a new:

(A) commercial, industrial, or institutional development;

(B) common interest community, as defined in Section 57-25-102; or

(C) multifamily housing project.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of:

(A) air;

(B) forests;

(C) soils;

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- (D) rivers;
- (E) groundwater and other waters;
- (F) harbors;
- (G) fisheries;
- (H) wildlife;
- (I) minerals; and
- (J) other natural resources; and
- (ii) (A) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters;
- (B) the regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas;
- (C) the prevention, control, and correction of the erosion of soils;
- (D) the preservation and enhancement of watersheds and wetlands; and
- (E) the mapping of known geologic hazards;
- (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
- (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
  - (i) historic preservation;
  - (ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and
  - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
  - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
  - (e) recommendations for implementing all or any portion of the general plan, including the adoption of land and water use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

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(f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);  
and

(g) any other element the municipality considers appropriate.

Section 3. Section **10-9a-403.1** is amended to read:

### **10-9a-403.1. Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.**

(1) As used in this section:

(a) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.

(b) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.

(c) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.

(d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

(e) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.

(f) "New fixed guideway public transit station" means a fixed guideway public transit station for which construction begins on or after June 1, 2022.

(g) "Qualifying land use ~~[application]~~ petition" means a ~~[land use application]~~ petition:

(i) that involves land located within a station area for an existing public transit station that provides rail services;

(ii) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection (2)(a);

(iii) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;

(iv) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

(v) that would require a higher density than the density currently allowed by the municipality;

(vi) that proposes the construction of new residential units, at least 10% of which are

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dedicated to moderate income housing; and

(vii) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection (2)(a) for the station area in which the development is proposed, subject to Subsection (3)(d).

(h) (i) "Station area" means:

(A) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or

(B) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

(ii) "Station area" includes any parcel bisected by the radius limitation described in Subsection (1)(h)(i)(A) or (B).

(i) "Station area plan" means a plan that:

(i) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and

(ii) is developed and adopted in accordance with this section.

(2) (a) Subject to the requirements of this section, a municipality that has a fixed guideway public transit station located within the municipality's boundaries shall, for the station area:

(i) develop and adopt a station area plan; and

(ii) adopt any appropriate land use regulations to implement the station area plan.

(b) The requirements of Subsection (2)(a) shall be considered satisfied if:

~~(i) (A) the municipality has already taken actions to satisfy the requirements of Subsection (2)(a) for a station area, including actions that involve public and stakeholder engagement processes, market assessments, the creation of a station area vision, planning and implementation activities, capital programs, the adoption of land use regulations, or other similar actions; and~~

~~(B) the municipality adopts a resolution demonstrating the requirements of Subsection (2)(a) have been satisfied; or~~

(A) the municipality has already adopted plans or ordinances, approved land use

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applications, approved agreements or financing, or investments have been made, before June 1, 2022, that substantially promote each of the objectives in Subsection (7)(a) within the station area, and can demonstrate that such plans, ordinances, approved land use applications, approved agreements or financing, or investments are still relevant to making meaningful progress towards achieving such objectives; and

(B) the municipality adopts a resolution finding that the objectives of Subsection (7)(a) have been substantially promoted.

(ii) (A) the municipality has determined that conditions exist that make satisfying a portion or all of the requirements of Subsection (2)(a) for a station area impracticable, including conditions that relate to existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions; and

(B) the municipality adopts a resolution describing the conditions that exist to make satisfying the requirements of Subsection (2)(a) impracticable.

(c) To the extent that previous actions by a municipality do not satisfy the requirements of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to satisfy those requirements.

(3) (a) A municipality that has a new fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the new fixed guideway public transit station before the new fixed guideway public transit station begins transit services.

(b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the existing fixed guideway public transit station on or before December 31, 2025.

(c) If a municipality has more than four existing fixed guideway public transit stations located within the municipality's boundaries, the municipality shall:

(i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for four or more station areas located within the municipality; and

(ii) on or before December 31 of each year thereafter, satisfy the requirements of



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Subsection (2)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection (2)(a) for each station area located within the municipality.

(d) (i) Subject to Subsection (3)(d)(ii):

(A) if a municipality receives a complete qualifying land use [application] petition on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed on or before July 1, 2023; and

(B) if a municipality receives a complete qualifying land use [application] petition after July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use [application] petition is submitted to the municipality, and shall notify the applicable metropolitan planning organization of the receipt of the ~~{application}~~ qualified land use petition within 45 days of the date of receipt.

(ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a) for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

(B) If a municipality receives more than two complete qualifying land use [applications] petitions on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection (3)(d)(i)(A).

(iii) A municipality shall process on a first priority basis a land use application, including an application for a building permit, if:

(A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection (2)(a); and

(B) the municipality would be required to change a zoning designation for the land use application to be approved.

(e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the requirements of Subsection (2)(a) for a station area may be extended once for a period of 12 months if:

(i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection (2)(a) within the

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required time period infeasible, despite the municipality's good faith efforts; and

(ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).

(4) (a) Except as provided in Subsection (4)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over which the municipality has jurisdiction.

(b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.

(5) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.

(6) (a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.

(b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection (3)(d).

(7) (a) A station area plan shall promote the following objectives within the station area:

(i) increasing the availability and affordability of housing, including moderate income housing;

(ii) promoting sustainable environmental conditions;

(iii) enhancing access to opportunities; and

(iv) increasing transportation choices and connections.

(b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may consider implementing the following actions:

(A) aligning the station area plan with the moderate income housing element of the municipality's general plan;

(B) providing for densities necessary to facilitate the development of moderate income

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housing;

(C) providing for affordable costs of living in connection with housing, transportation, and parking; or

(D) any other similar action that promotes the objective described in Subsection (7)(a)(i).

(ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may consider implementing the following actions:

(A) conserving water resources through efficient land use;

(B) improving air quality by reducing fuel consumption and motor vehicle trips;

(C) establishing parks, open spaces, and recreational opportunities; or

(D) any other similar action that promotes the objective described in Subsection (7)(a)(ii).

(iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may consider the following actions:

(A) maintaining and improving the connections between housing, transit, employment, education, recreation, and commerce;

(B) encouraging mixed-use development;

(C) enabling employment and educational opportunities within the station area;

(D) encouraging and promoting enhanced broadband connectivity; or

(E) any other similar action that promotes the objective described in Subsection (7)(a)(iii).

(iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may consider the following:

(A) supporting investment in infrastructure for all modes of transportation;

(B) increasing utilization of public transit;

(C) encouraging safe streets through the designation of pedestrian walkways and bicycle lanes;

(D) encouraging manageable and reliable traffic conditions;

(E) aligning the station area plan with the regional transportation plan of the applicable metropolitan planning organization; or

(F) any other similar action that promotes the objective described in Subsection

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(7)(a)(iv).

(8) A station area plan shall include the following components:

(a) a station area vision that:

(i) is consistent with Subsection (7); and

(ii) describes the following:

(A) opportunities for the development of land within the station area under existing conditions;

(B) constraints on the development of land within the station area under existing conditions;

(C) the municipality's objectives for the transportation system within the station area and the future transportation system that meets those objectives;

(D) the municipality's objectives for land uses within the station area and the future land uses that meet those objectives;

(E) the municipality's objectives for public and open spaces within the station area and the future public and open spaces that meet those objectives; and

(F) the municipality's objectives for the development of land within the station area and the future development standards that meet those objectives;

(b) a map that depicts:

~~[(i) the area within the municipality that is subject to the station area plan, provided that the station area plan may apply to areas outside of the station area; and {~~

~~(ii)}]~~

(i) the station area;

(ii) the area within the station area to which the station area plan applies, provided that the station area plan may apply to areas outside the station area, and the station area plan is not required to apply to the entire station area; and

~~[(ii)] (iii)~~ the area where each action is needed to implement the station area plan;

(c) an implementation plan that identifies and describes each action needed within the next five years to implement the station area plan, and the party responsible for taking each action, including any actions to:

(i) modify land use regulations;

(ii) make infrastructure improvements;

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- (iii) modify deeds or other relevant legal documents;
- (iv) secure funding or develop funding strategies;
- (v) establish design standards for development within the station area; or
- (vi) provide environmental remediation;
- (d) a statement that explains how the station area plan promotes the objectives described in Subsection (7)(a); and

(e) as an alternative or supplement to the requirements of Subsection (7) or this Subsection (8), and for purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make the following impracticable:

- (i) promoting the objectives described in Subsection (7)(a); or
- (ii) satisfying the requirements of this Subsection (8).

(9) A municipality shall develop a station area plan with the involvement of all relevant stakeholders that have an interest in the station area through public outreach and community engagement, including:

- (a) other impacted communities;
- (b) the applicable public transit district;
- (c) the applicable metropolitan planning organization;
- (d) the Department of Transportation;
- (e) owners of property within the station area; and
- (f) the municipality's residents and business owners.

(10) (a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area, including:

- (i) a station area plan; or
- (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).

(b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:

(i) review the documentation submitted under Subsection (10)(a) to determine the municipality's compliance with this section; and

- (ii) provide written certification to the municipality if the applicable metropolitan

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planning organization determines that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area.

(c) The municipality shall include the certification described in Subsection (10)(b)(ii) in the municipality's report to the Department of Workforce Services under Section 10-9a-408.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) (i) setting the compensation packages of the board of trustees, which salary.

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except as provided in Subsection (4)(b), may not exceed \$150,000 for a newly appointed board member, plus additional retirement and other standard benefits;

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

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

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

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

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

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

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

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

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

Section ~~(4)~~5. Section **20A-7-601** is amended to read:

**20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws, subjurisdictional laws, and transit area land use laws -- Time requirements.**

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

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(b) "Qualifying county" means a county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.

(c) "Qualifying transit area" means:

(i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or

(ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.

(d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

(e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, town, or metro township.

(ii) "Subjurisdictional law" does not include a land use law.

(f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.

(g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 7.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%



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of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 8.25% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 10% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's voter participation areas;

(h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 11.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro township, city, or county; or

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(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, 35% of the number of active voters in the metro township, town, or county.

(3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first, second, third, or fourth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a county of the fifth or sixth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(c) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 15% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 16% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 27.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(f) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 29% of the number of active voters in the metro township or city; and

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(ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a metro township with a population of 1,000 or more but less than 10,000, or a city of the fifth class, 35% of the number of active voters in the metro township or city; or

(h) for a metro township with a population of less than 1,000 or a town, 40% of the number of active voters in the metro township or town.

(4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures of the residents in the subjurisdiction equal to:

(a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;

(b) 12-1/2% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;

(c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;

(d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;

(e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and

(f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.

(5) An eligible voter seeking to have a transit area land use law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county:

(i) 20% of the number of active voters in the county; and

(ii) 21% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 20% of the number of active voters in the metro township or city; and

(ii) 20% of the number of active voters in at least 75% of the metro township's or city's

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voter participation areas;

(c) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 20% of the number of active voters in the metro township or city; and

(ii) 21% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

(d) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 34% of the number of active voters in the metro township or city; and

(ii) 34% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

(e) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 36% of the number of active voters in the metro township or city; and

(ii) 36% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas; or

(f) for a metro township with a population less than 10,000, a city of the fifth class, or a town, 40% of the number of active voters in the metro township, city, or town.

(6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5), any local law passed by a local legislative body shall file the application before 5 p.m. within seven days after the day on which the local law was passed.

(7) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section 6. Section 41-1a-416 is amended to read:

**41-1a-416. Original issue license plates -- Alternative stickers -- Rulemaking.**

(1) The owner of a motor vehicle that is a model year 1973 or older may apply to the division for permission to display an original issue license plate of a format and type issued by the state in the same year as the model year of the vehicle.

(2) The owner of a motor vehicle who desires to display original issue license plates instead of license plates issued under Section 41-1a-401 shall:

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(a) complete an application on a form provided by the division;  
(b) supply and submit the original license plates that the owner desires to display to the division for approval; and

(c) pay the fees prescribed in Sections 41-1a-1206 and 41-1a-1211.

(3) The division, prior to approval of an application under this section, shall determine that the original issue license plates:

(a) are of a format and type issued by the state for use on a motor vehicle in this state;

(b) have numbers and characters that are unique and do not conflict with existing license plate series in this state;

(c) are legible, durable, and otherwise in a condition that serves the purposes of this chapter, except that original issue license plates are exempt from the provision of Section 41-1a-401 regarding reflectorization and Section 41-1a-403 regarding legibility from 100 feet; and

(d) are from the same year of issue as the model year of the motor vehicle on which they are to be displayed.

(4) (a) An owner of a motor vehicle displaying original issue license plates approved under this section is not exempt from any other requirement of this chapter except as specified under this section.

(b) Notwithstanding Subsection (4)(a), if a motor vehicle displaying an original issue license plate is also a vintage vehicle as defined in Section 41-21-1, the motor vehicle qualifies for the same exemptions as a vintage vehicle.

(5) (a) An owner of a motor vehicle currently registered in this state whose original issue license plates are not approved by the division because of the requirement in Subsection (3)(b) may apply to the division for a sticker to allow the temporary display of the original issue license plates if:

(i) the plates otherwise comply with this section;

(ii) the plates are only displayed when the motor vehicle is used for participating in motor vehicle club activities, exhibitions, tours, parades, and similar activities and are not used for general daily transportation;

(iii) the license plates and registration issued under this chapter for normal use of the motor vehicle on the highways of this state are kept in the motor vehicle and shown to a peace

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officer on request; and

(iv) the sticker issued by the division under this subsection is properly affixed to the face of the original issue license plate.

(b) The sticker issued under this section shall be the size and form customarily furnished by the division.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for the implementation of this section.

Section ~~5~~7. Section **41-1a-1201** is amended to read:

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

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

(2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections 41-1a-422, 41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, and 41-1a-1223 all fees collected under this part shall be deposited into the Transportation Fund.

(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.

(5) (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

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

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

(6) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of

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2005 created under Section 72-2-124:

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited into the Spinal Cord and Brain Injury Rehabilitation Fund created in Section 26-54-102.

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Section ~~6~~8. Section **41-6a-102** is amended to read:

### **41-6a-102. Definitions.**

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) "Autocycle" means the same as that term is defined in Section 53-3-102.

(5) (a) "Bicycle" means a wheeled vehicle:

(i) propelled by human power by feet or hands acting upon pedals or cranks;

(ii) with a seat or saddle designed for the use of the operator;

(iii) designed to be operated on the ground; and

(iv) whose wheels are not less than 14 inches in diameter.

(b) "Bicycle" includes an electric assisted bicycle.

(c) "Bicycle" does not include scooters and similar devices.

(6) (a) "Bus" means a motor vehicle:

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(7) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;



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(ii) rotaries; and

(iii) traffic circles.

(8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection [~~(17)(d)(i)~~] (18)(d)(i).

(9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection [~~(17)(d)(ii)~~] (18)(d)(ii).

(10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection [~~(17)(d)(iii)~~] (18)(d)(iii).

(11) "Commissioner" means the commissioner of the Department of Public Safety.

(12) "Controlled-access highway" means a highway, street, or roadway:

(a) designed primarily for through traffic; and

(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(13) "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:

(i) (A) the curbs; or

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(14) "Department" means the Department of Public Safety.

(15) "Direct supervision" means oversight at a distance within which:

(a) visual contact is maintained; and

(b) advice and assistance can be given and received.

(16) "Divided highway" means a highway divided into two or more roadways by:

(a) an unpaved intervening space;

(b) a physical barrier; or

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(c) a clearly indicated dividing section constructed to impede vehicular traffic.

(17) "Echelon formation" means the operation of two or more snowplows arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more lanes at once.

~~[(17)]~~ (18) "Electric assisted bicycle" means a bicycle with an electric motor that:

- (a) has a power output of not more than 750 watts;
- (b) has fully operable pedals on permanently affixed cranks;
- (c) is fully operable as a bicycle without the use of the electric motor; and
- (d) is one of the following:
  - (i) an electric assisted bicycle equipped with a motor or electronics that:
    - (A) provides assistance only when the rider is pedaling; and
    - (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per

hour;

- (ii) an electric assisted bicycle equipped with a motor or electronics that:
  - (A) may be used exclusively to propel the bicycle; and
  - (B) is not capable of providing assistance when the bicycle reaches the speed of 20

miles per hour; or

- (iii) an electric assisted bicycle equipped with a motor or electronics that:
  - (A) provides assistance only when the rider is pedaling;
  - (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per

hour; and

- (C) is equipped with a speedometer.

~~[(18)]~~ (19) (a) "Electric personal assistive mobility device" means a self-balancing device with:

- (i) two nontandem wheels in contact with the ground;
- (ii) a system capable of steering and stopping the unit under typical operating

conditions;

- (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- (v) a deck design for a person to stand while operating the device.

- (b) "Electric personal assistive mobility device" does not include a wheelchair.

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~~[(19)]~~ (20) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

~~[(20)]~~ (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

~~[(21)]~~ (22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.

~~[(22)]~~ (23) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

~~[(23)]~~ (24) (a) "Golf cart" means a device that:

- (i) is designed for transportation by players on a golf course;
- (ii) has not less than three wheels in contact with the ground;
- (iii) has an unladen weight of less than 1,800 pounds;
- (iv) is designed to operate at low speeds; and
- (v) is designed to carry not more than six persons including the driver.

(b) "Golf cart" does not include:

- (i) a low-speed vehicle or an off-highway vehicle;
- (ii) a motorized wheelchair;
- (iii) an electric personal assistive mobility device;
- (iv) an electric assisted bicycle;
- (v) a motor assisted scooter;
- (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- (vii) a mobile carrier, as defined in Section 41-6a-1120.

~~[(24)]~~ (25) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

~~[(25)]~~ (26) "Gross weight" means the weight of a vehicle without a load plus the

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weight of any load on the vehicle.

~~[(26)]~~ (27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

- (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.

~~[(27)]~~ (28) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

~~[(28)]~~ (29) "Highway authority" means the same as that term is defined in Section 72-1-102.

~~[(29)]~~ (30) (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

~~[(30)]~~ (31) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

~~[(31)]~~ (32) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.

~~[(32)]~~ (33) "Law enforcement agency" means the same as that term is as defined in

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Section 53-1-102.

~~[(33)]~~ (34) "Limited access highway" means a highway:

- (a) that is designated specifically for through traffic; and
- (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

~~[(34)]~~ (35) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

~~[(35)]~~ (36) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

- (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- (ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

~~[(36)]~~ (37) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

~~[(37)]~~ (38) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

(c) "Mini-motorcycle" does not include a motorcycle that is:

- (i) designed for off-highway use; and
- (ii) registered as an off-highway vehicle under Section 41-22-3.

~~[(38)]~~ (39) "Mobile home" means:

(a) a trailer or semitrailer that is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection ~~[(38)]~~ (39)(a), but that is instead used permanently or temporarily for:

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- (i) the advertising, sale, display, or promotion of merchandise or services; or
- (ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

~~[(39)]~~ (40) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

~~[(40)]~~ (41) (a) "Moped" means a motor-driven cycle having:

- (i) pedals to permit propulsion by human power; and
- (ii) a motor that:
  - (A) produces not more than two brake horsepower; and
  - (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" does not include:

- (i) an electric assisted bicycle; or
- (ii) a motor assisted scooter.

~~[(41)]~~ (42) (a) "Motor assisted scooter" means a self-propelled device with:

- (i) at least two wheels in contact with the ground;
  - (ii) a braking system capable of stopping the unit under typical operating conditions;
  - (iii) an electric motor not exceeding 2,000 watts;
  - (iv) either:
    - (A) handlebars and a deck design for a person to stand while operating the device; or
    - (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;
  - (v) a design for the ability to be propelled by human power alone; and
  - (vi) a maximum speed of 20 miles per hour on a paved level surface.
- (b) "Motor assisted scooter" does not include:
- (i) an electric assisted bicycle; or

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(ii) a motor-driven cycle.

~~[(42)]~~ (43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include:

(i) vehicles moved solely by human power;

(ii) motorized wheelchairs;

(iii) an electric personal assistive mobility device;

(iv) an electric assisted bicycle;

(v) a motor assisted scooter;

(vi) a personal delivery device, as defined in Section 41-6a-1119; or

(vii) a mobile carrier, as defined in Section 41-6a-1120.

~~[(43)]~~ (44) "Motorcycle" means:

(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or

(b) an autocycle.

~~[(44)]~~ (45) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:

(i) an engine with less than 150 cubic centimeters displacement; or

(ii) a motor that produces not more than five horsepower.

(b) "Motor-driven cycle" does not include:

(i) an electric personal assistive mobility device;

(ii) a motor assisted scooter; or

(iii) an electric assisted bicycle.

~~[(45)]~~ (46) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.

~~[(46)]~~ (47) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.

~~[(47)]~~ (48) "Operate" means the same as that term is defined in Section 41-1a-102.

~~[(48)]~~ (49) "Operator" means:

(a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

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(b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.

~~[(49)]~~ (50) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or other device operated, alone or coupled with another device, on stationary rails.

~~[(50)]~~ (51) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.

(b) "Park" or "parking" does not include:

(i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers; or

(ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk condition, as those terms are defined in Section 41-26-102.1.

~~[(51)]~~ (52) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

~~[(52)]~~ (53) "Pedestrian" means a person traveling:

(a) on foot; or

(b) in a wheelchair.

~~[(53)]~~ (54) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

~~[(54)]~~ (55) "Person" means a natural person, firm, copartnership, association, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

~~[(55)]~~ (56) "Pole trailer" means a vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

(b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

~~[(56)]~~ (57) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.



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~~[(57)]~~ (58) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

~~[(58)]~~ (59) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~[(59)]~~ (60) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

~~[(60)]~~ (61) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

~~[(61)]~~ (62) (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

~~[(62)]~~ (63) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~[(63)]~~ (64) (a) "School bus" means a motor vehicle that:

(i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and

(ii) is used to transport school children to or from school or school activities.

(b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

~~[(64)]~~ (65) (a) "Semitrailer" means a vehicle with or without motive power:

(i) designed for carrying persons or property and for being drawn by a motor vehicle; and

(ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

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(b) "Semitrailer" does not include a pole trailer.

~~[(65)]~~ (66) "Shoulder area" means:

(a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or

(b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.

~~[(66)]~~ (67) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

~~[(67)]~~ (68) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.

(b) "Soft-surface trail" does not mean a trail:

(i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or

(ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.

~~[(68)]~~ (69) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.

~~[(69)]~~ (70) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.

~~[(70)]~~ (71) "Stop" when required means complete cessation from movement.

~~[(71)]~~ (72) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

(a) necessary to avoid conflict with other traffic; or

(b) in compliance with the directions of a peace officer or traffic-control device.

~~[(72)]~~ (73) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

~~[(73)]~~ (74) "Tow truck operator" means the same as that term is defined in Section

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72-9-102.

~~[(74)]~~ (75) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

~~[(75)]~~ (76) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

~~[(76)]~~ (77) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

~~[(77)]~~ (78) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

~~[(78)]~~ (79) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~[(79)]~~ (80) (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) "Trailer" does not include a pole trailer.

~~[(80)]~~ (81) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

~~[(81)]~~ (82) "Truck tractor" means a motor vehicle:

(a) designed and used primarily for drawing other vehicles; and

(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

~~[(82)]~~ (83) "Two-way left turn lane" means a lane:

(a) provided for vehicle operators making left turns in either direction;

(b) that is not used for passing, overtaking, or through travel; and

(c) that has been indicated by a lane traffic-control device that may include lane markings.

~~[(83)]~~ (84) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

~~[(84)]~~ (85) "Vehicle" means a device in, on, or by which a person or property is or may

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be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

Section ~~77~~9. Section **41-6a-704** is amended to read:

### **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

(1) (a) ~~On~~ Except as provided in Section 41-6a-718, on any highway:

(i) the operator of a vehicle overtaking another vehicle proceeding in the same direction shall:

(A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle on the left at a safe distance; and

(B) enter a right-hand lane or the right side of the roadway only when safely clear of the overtaken vehicle;

(ii) the operator of an overtaken vehicle:

(A) shall give way to the right in favor of the overtaking vehicle; and

(B) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.

(b) The exemption from the minimum speed regulations for a vehicle operating on a grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as required under Subsection (1)(a)(i)(A).

(2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:

(a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and

(b) may not impede the movement or free flow of traffic in the left general purpose lane.

(3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie evidence that the operator is violating Subsection (2).

(4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:

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- (a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a)(i);
  - (b) preparing to turn left or taking a different highway or an exit on the left;
  - (c) responding to emergency conditions;
  - (d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
  - (e) following the direction of a traffic-control device that directs the use of a designated lane.
- (5) An individual may engage in lane filtering only when the following conditions exist:
- (a) the individual is operating a motorcycle;
  - (b) the individual is on a roadway divided into two or more adjacent traffic lanes in the same direction of travel;
  - (c) the individual is on a roadway with a speed limit of 45 miles per hour or less;
  - (d) the vehicle being overtaken in the same lane is stopped;
  - (e) the motorcycle is traveling at a speed of 15 miles per hour or less; and
  - (f) the movement may be made safely.
- (6) A violation of Subsection (1), (2), or (5) is an infraction.

Section ~~8~~10. Section **41-6a-705** is amended to read:

### **41-6a-705. Passing on right -- When permissible.**

- (1) ~~[The]~~ Subject to Section 41-6a-718, the operator of a vehicle may overtake and pass on the right of another vehicle only:
- (a) when the vehicle overtaken is making or preparing to make a left turn; or
  - (b) on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (2) The operator of a vehicle may overtake and pass another vehicle on the right only under conditions permitting the movement with safety.
- (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake and pass another vehicle if the movement is made by driving off the roadway.
- (4) A violation of this section is an infraction.

Section ~~9~~11. Section **41-6a-718** is enacted to read:

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**41-6a-718. Operation of a snowplow -- Approaching a snowplow -- Prohibition to pass.**

(1) (a) A snowplow operator shall ensure that a snowplow in operation on a highway displays flashing yellow lights.

(b) An individual operating a snowplow as an agent of a highway authority, while engaged in the removal of snow or ice on a highway, may not be charged with a violation under this chapter related to parking, standing, turning, backing, or yielding the right-of-way.

(c) Notwithstanding the exemptions described in Subsection (1)(b), an individual operating a snowplow shall operate the snowplow with reasonable care.

(2) If a snowplow is displaying flashing yellow lights, an individual operating a vehicle in the vicinity of the snowplow may not pass or overtake a snowplow on a side of the snowplow where a plow blade is deployed.

(3) If ~~two~~ three or more snowplows are operating in echelon formation, an individual operating a vehicle in the vicinity of the snowplows may not overtake or pass the snowplows on either side of the snowplows.

(4) A violation of Subsection (2) or (3) is an infraction.

Section ~~10~~ 12. Section **41-6a-904** is amended to read:

**41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary emergency vehicle -- Duties of respective operators.**

(1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon the immediate approach of an authorized emergency vehicle using audible or visual signals under Section 41-6a-212 or 41-6a-1625, shall:

(a) yield the right-of-way and immediately move to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

(b) then stop and remain stopped until the authorized emergency vehicle has passed.

(2) (a) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

(i) reduce the speed of the vehicle;

(ii) provide as much space as practical to the stationary authorized emergency vehicle;

and

(iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if

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practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.

(b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, the requirements in Subsection (2)(a) apply.

(ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

(3) (a) The operator of a vehicle, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall:

(i) reduce the speed of the vehicle;

(ii) provide as much space as practical to the stationary tow truck or highway maintenance vehicle; and

(iii) if traveling in a lane adjacent to the stationary tow truck or highway maintenance vehicle, if practical and with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the tow truck or highway maintenance vehicle.

(b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, the requirements in Subsection (3)(a) apply.

(ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

(4) (a) The operator of a vehicle, upon approaching a stationary vehicle adjacent to a highway that is not parked in an apparent legal parking area that has flashing hazard lights illuminated, shall:

(i) reduce the speed of the vehicle;

(ii) provide as much space as practical to the stationary vehicle; and

(iii) if traveling in a lane adjacent to the stationary vehicle, if practical and with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the

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stationary vehicle.

(b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary vehicle as described in Subsection (4)(a), the requirements in Subsection (4)(a) apply.

(ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary vehicle as described in Subsection (4)(a), shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the stationary vehicle.

~~(4)~~ (5) When an authorized emergency vehicle is using audible or visual signals under Section 41-6a-212 or 41-6a-1625, the operator of a vehicle may not:

(a) follow closer than 500 feet behind the authorized emergency vehicle;

(b) pass the authorized emergency vehicle, if the authorized emergency vehicle is moving; or

(c) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a fire alarm.

~~(5)~~ (6) This section does not relieve the operator of an authorized emergency vehicle, tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all persons using the highway.

~~(6)~~ (7) (a) (i) In addition to the penalties prescribed under Subsection ~~(8)~~ (9), a person who violates this section shall attend a four hour live classroom defensive driving course approved by:

(A) the Driver License Division; or

(B) a court in this state.

(ii) Upon completion of the four hour live classroom course under Subsection ~~(6)(a)(i)~~ (7)(a)(i), the person shall provide to the Driver License Division a certificate of attendance of the classroom course.

(b) The Driver License Division shall suspend a person's driver license for a period of 90 days if the person:

(i) violates a provision of Subsections (1) through (3); and

(ii) fails to meet the requirements of Subsection ~~(6)(a)(i)~~ (7)(a)(i), within 90 days of sentencing for or pleading guilty to a violation of this section.



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(c) Notwithstanding the provisions of Subsection [~~(6)(b)~~] (7)(b), the Driver License Division shall shorten the 90-day suspension period imposed under Subsection [~~(6)(b)~~] (7)(b) effective immediately upon receiving a certificate of attendance of the four hour live classroom course required under Subsection [~~(6)(a)(i)~~] (7)(a)(i), if the certificate of attendance is received before the completion of the suspension period.

(d) A person whose license is suspended under Subsection [~~(6)(b)~~] (7)(b) and a person whose suspension is shortened as described under Subsection [~~(6)(c)~~] (7)(c) shall pay the license reinstatement fees under Subsection 53-3-105(26).

[~~(7)~~] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Driver License Division shall make rules to implement the provisions of this part.

[~~(8)~~] (9) A violation of Subsection (1), (2), (3), [~~or~~] (4), or (5) is an infraction.

Section 13. Section 41-21-1 is amended to read:

### **41-21-1. Definitions.**

(1) "Autocycle" means the same as that term is defined in Section 53-3-102.

(2) "Motorcycle" means:

(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or

(b) an autocycle.

(3) (a) "Street rod" means a motor vehicle or motorcycle that:

(i) (A) was manufactured in 1948 or before; or

(B) (I) was manufactured after 1948 to resemble a vehicle that was manufactured in 1948 or before; and

(II) (Aa) has been altered from the manufacturer's original design; or

(Bb) has a body constructed from non-original materials; and

(ii) is primarily a collector's item that is used for:

(A) club activities;

(B) exhibitions;

(C) tours;

(D) parades;

(E) occasional transportation; and

(F) other similar uses.

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(b) "Street rod" does not include a motor vehicle or motorcycle that is used for general, daily transportation.

(4) (a) "Vintage travel trailer" means a travel trailer, camping trailer, or fifth wheel trailer that is:

- (i) 30 years old or older, from the current year; and
- (ii) primarily a collector's item that is used for:
  - (A) participation in club activities;
  - (B) exhibitions;
  - (C) tours;
  - (D) parades;
  - (E) occasional recreational or vacation use; and
  - (F) other similar uses.

(b) "Vintage travel trailer" does not include a travel trailer, camping trailer, or fifth wheel trailer that is used for the general, daily transportation of persons or property.

(5) (a) "Vintage vehicle" means a motor vehicle or motorcycle that:

- (i) is 30 years old or older from the current year;
- (ii) displays:

(A) a unique vehicle type special group license plate issued in accordance with Section 41-1a-418; ~~or~~

(B) for a vehicle that has a model year of 1980 or older, a historical support special group plate; ~~and~~

~~or~~

(C) an original issue license plate in accordance with Section 41-1a-416; and

- (iii) is primarily a collector's item that is used for:
  - (A) participation in club activities;
  - (B) exhibitions;
  - (C) tours;
  - (D) parades;
  - (E) occasional transportation; and
  - (F) other similar uses.

(b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for

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general, daily transportation.

(c) "Vintage vehicle" includes a:

- (i) street rod; and
- (ii) vintage travel trailer.

Section 14. Section 53-1-106.2 is repealed and reenacted to read:

### 53-1-106.2. Towing dispatch program.

(1) An interlocal agency established pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, a special service district established pursuant to Title 17D, Chapter 1, Special Service District Act, a political subdivision, or a state agency may enter into a contract with a vendor that provides a product or technology capable of increasing efficiency, effectiveness, and transparency in the dispatching of towing providers and management of towing rotations.

(2) The product or technology described in Subsection (1) shall comply with the following requirements and capabilities:

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

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

(c) increasing responder and traffic safety by reducing secondary crashes, responder time on scene, and the impacts of traffic accidents on traffic flow and safety.

(3) A vendor selected to provide towing dispatch management services as described in this section may not also provide towing, storage, impounding, or other services related to the operation of a towing provider.

Section ~~{11}~~15. Section 53-3-109 is amended to read:

### **53-3-109. Records -- Access -- Fees -- Rulemaking.**

(1) (a) Except as provided in this section, all records of the division shall be classified and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(b) The division may disclose personal identifying information in accordance with 18 U.S.C. Chapter 123:

- (i) to a licensed private investigator holding a valid agency license, with a legitimate

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business need;

(ii) to an insurer, insurance support organization, or a self-insured entity, or its agents, employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22, Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities, antifraud activities, rating, or underwriting for any person issued a license certificate under this chapter;

(iii) to a depository institution as that term is defined in Section 7-1-103;

(iv) to the State Tax Commission for the purposes of tax fraud detection and prevention and any other use required by law;

(v) subject to Subsection (7), to the University of Utah for data collection in relation to genetic and epidemiologic research; or

(vi) (A) to a government entity, including any court or law enforcement agency, to fulfill the government entity's functions; or

(B) to a private person acting on behalf of a government entity to fulfill the government entity's functions, if the division determines disclosure of the information is in the interest of public safety.

(2) (a) A person who receives personal identifying information shall be advised by the division that the person may not:

(i) disclose the personal identifying information from that record to any other person; or

(ii) use the personal identifying information from that record for advertising or solicitation purposes.

(b) Any use of personal identifying information by an insurer or insurance support organization, or by a self-insured entity or its agents, employees, or contractors not authorized by Subsection (1)(b)(ii) is:

(i) an unfair marketing practice under Section 31A-23a-402; or

(ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

(3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee may disclose portions of a driving record, in accordance with this Subsection (3), to:

(i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for purposes of assessing driving risk on the insurer's current motor vehicle insurance

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policyholders;

(ii) an employer or a designee of an employer, for purposes of monitoring the driving record and status of current employees who drive as a responsibility of the employee's employment if the requester demonstrates that the requester has obtained the written consent of the individual to whom the information pertains; and

(iii) an employer or the employer's agents to obtain or verify information relating to a holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

(b) A disclosure under Subsection (3)(a)(i) shall:

(i) include the licensed driver's name, driver license number, date of birth, and an indication of whether the driver has had a moving traffic violation that is a reportable violation, as defined under Section 53-3-102 during the previous month;

(ii) be limited to the records of drivers who, at the time of the disclosure, are covered under a motor vehicle insurance policy of the insurer; and

(iii) be made under a contract with the insurer or a designee of an insurer.

(c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:

(i) include the licensed driver's name, driver license number, date of birth, and an indication of whether the driver has had a moving traffic violation that is a reportable violation, as defined under Section 53-3-102, during the previous month;

(ii) be limited to the records of a current employee of an employer;

(iii) be made under a contract with the employer or a designee of an employer; and

(iv) include an indication of whether the driver has had a change reflected in the driver's:

(A) driving status;

(B) license class;

(C) medical self-certification status; or

(D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.

(d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:

(i) the criteria for searching and compiling the driving records being requested;

(ii) the frequency of the disclosures;

(iii) the format of the disclosures, which may be in bulk electronic form; and

(iv) a reasonable charge for the driving record disclosures under this Subsection (3).

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(4) The division may charge fees:

(a) in accordance with Section 53-3-105 for searching and compiling its files or furnishing a report on the driving record of a person;

(b) for each document prepared under the seal of the division and deliver upon request, a certified copy of any record of the division, and charge a fee set in accordance with Section 63J-1-504 for each document authenticated; and

(c) established in accordance with the procedures and requirements of Section 63J-1-504 for disclosing personal identifying information under Subsection (1)(b).

(5) Each certified copy of a driving record furnished in accordance with this section is admissible in any court proceeding in the same manner as the original.

(6) (a) A driving record furnished under this section may only report on the driving record of a person for a period of 10 years.

(b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of commercial driver license violations, or reports for commercial driver license holders.

(7) (a) The division shall include on each application for or renewal of a license or identification card under this chapter:

(i) the following notice: "The Driver License Division may disclose the information provided on this form to an entity described in Utah Code Ann. Subsection 53-3-109(1)(b)(v).";

(ii) a reference to the website described in Subsection (7)(b); and

(iii) a link to the division website for:

(A) information provided by the division, after consultation with the University of Utah, containing the explanation and description described in Subsection (7)(b); and

(B) an online form for the individual to opt out of the disclosure of personal identifying information as described in Subsection (1)(b)(v).

(b) [~~On or before July 1, 2020, and in~~ In consultation with the division, the University of Utah shall create a website that provides an explanation and description of:

(i) what information may be disclosed by the division to the University of Utah under Subsection (1)(b)(v);

(ii) the methods and timing of anonymizing the information;

(iii) for situations where the information is not anonymized:

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- (A) how the information is used;
- (B) how the information is secured;
- (C) how long the information is retained; and
- (D) who has access to the information;
- (iv) research and statistical purposes for which the information is used; and
- (v) other relevant details regarding the information.

(c) The website created by the University of Utah described in Subsection (7)(b) shall include the following:

(i) a link to the division website for an online form for the individual to opt out of the disclosure of personal identifying information as described in Subsection (1)(b)(v); and

(ii) a link to an online form for the individual to affirmatively choose to remove, subject to Subsection (7)(e)(ii), personal identifying information from the database controlled by the University of Utah that was disclosed pursuant to Subsection (1)(b)(v).

(d) In the course of business, the division shall provide information regarding the disclosure of personal identifying information, including providing on the division website:

(i) a link to the website created under Subsection (7)(b) to provide individuals with information regarding the disclosure of personal identifying information under Subsection (1)(b)(v); and

(ii) a link to the division website for:

(A) information provided by the division, after consultation with the University of Utah, containing the explanation and description described in Subsection (7)(b); and

(B) an online form for the individual to opt out of the disclosure of personal identifying information as described in Subsection (1)(b)(v).

(e) (i) The division may not disclose the personal identifying information under Subsection (1)(b)(v) if an individual opts out of the disclosure as described in Subsection (7)(a)(iii)(B) or (7)(c)(i).

(ii) (A) Except as provided in Subsection (7)(e)(ii)(B), if an individual makes a request as described in Subsection (7)(c)(ii), the University of Utah shall, within 90 days of receiving the request, remove and destroy the individual's personal identifying information received under Subsection (1)(b)(v) from a database controlled by the University of Utah.

(B) The University of Utah is not required to remove an individual's personal

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identifying information as described in Subsection (7)(e)(ii)(A) from data released to a research study before the date of the request described in Subsection (7)(c)(ii).

~~[(f) (i) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General shall conduct an audit and issue a report on:]~~

~~[(A) procedures and safeguards utilized by the University of Utah related to the security of personal identifying information disclosed pursuant to Subsection (1)(b)(v); and]~~

~~[(B) potential risks of disclosure or breaches in the security of personal identifying information disclosed pursuant to Subsection (1)(b)(v).]~~

~~[(ii) The Office of the Legislative Auditor General shall provide the report described in Subsection (7)(f)(i) to the Transportation Interim Committee before October 31, 2021.]~~

~~[(g) (i) The University of Utah shall report to the Transportation Interim Committee before October 31, 2020, regarding the information described in Subsection (7)(b).]~~

~~[(ii)] (f) The University of Utah shall conduct a biennial internal information security audit of the information systems that store the data received pursuant to Subsection (1)(b)(v), and, beginning in the year 2023, provide a biennial report of the findings of the internal audit to the Transportation Interim Committee.~~

(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to designate:

- (a) what information shall be included in a report on the driving record of a person;
- (b) the form of a report or copy of the report which may include electronic format;
- (c) the form of a certified copy, as required under Section 53-3-216, which may include electronic format;
- (d) the form of a signature required under this chapter which may include electronic format;
- (e) the form of written request to the division required under this chapter which may include electronic format;
- (f) the procedures, requirements, and formats for disclosing personal identifying information under Subsection (1)(b); and
- (g) the procedures, requirements, and formats necessary for the implementation of Subsection (3).

(9) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,



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use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

(b) A person who discovers or becomes aware of any unauthorized use of records created or maintained by the division shall inform the commissioner and the division director of the unauthorized use.

Section ~~{12}~~16. Section **63I-1-241** is amended to read:

### **63I-1-241. Repeal dates: Title 41.**

(1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2025.

(2) Section 41-3-106, which creates an advisory board related to motor vehicle business regulation, is repealed July 1, 2024.

(3) The following subsections addressing lane filtering are repealed on July 1, 2027:

(a) [~~Subsection 41-6a-102(31)~~] the subsection in Section 41-6a-102 that defines "lane filtering";

(b) Subsection 41-6a-704(5); and

(c) Subsection 41-6a-710(1)(c).

(4) Subsection 41-6a-1406(6)(c)(iii), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2025.

(5) Subsections 41-22-2(1) and 41-22-10(1)(a), which authorize an advisory council that includes in the advisory council's duties addressing off-highway vehicle issues, are repealed July 1, 2027.

(6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2025.

Section ~~{13}~~17. Section **72-1-202** is amended to read:

**72-1-202. Executive director of department -- Appointment -- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.**

(1) (a) The governor, with the advice and consent of the Senate, shall appoint an executive director to be the chief executive officer of the department.

(b) The executive director shall be a registered professional engineer and qualified executive with technical and administrative experience and training appropriate for the

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position.

(c) The executive director shall remain in office until a successor is appointed.

(d) The executive director may be removed by the governor.

(2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed in this chapter, the executive director shall:

(a) have responsibility for the administrative supervision of the state transportation systems and the various operations of the department;

(b) have the responsibility for the implementation of rules, priorities, and policies established by the department and the commission;

(c) have the responsibility for the oversight and supervision of[:]

~~(i)~~ any transportation project for which state funds are expended; ~~and~~

~~(ii) any fixed guideway capital development project within the boundaries of a large public transit district for which any state funds are expended;]~~

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

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

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

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

(h) have responsibility for administrative supervision of the Comptroller Division, the Internal Audit Division, and the Communications Division; and

(i) appoint assistants, to serve at the discretion of the executive director, to administer the divisions of the department.

(3) The executive director may employ other assistants and advisers as the executive

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director finds necessary and fix salaries in accordance with the salary standards adopted by the Division of Human Resource Management.

(4) (a) For a fixed guideway capital development project within the boundaries of a large public transit district for which state funds are expended, responsibilities of the executive director include:

(i) project development for a fixed guideway capital development project in a large public transit district;

(ii) oversight and coordination of planning, including:

(A) development of statewide strategic initiatives for planning across all modes of transportation;

(B) coordination with metropolitan planning organizations;

(C) coordination with a large public transit district, including planning, project development, outreach, programming, environmental studies and impact statements, construction, and impacts on public transit operations; and

(D) corridor and area planning;

(iii) programming and prioritization of fixed guideway capital development projects;

(iv) fulfilling requirements for environmental studies and impact statements; and

(v) resource investment, including identification, development, and oversight of public-private partnership opportunities.

(5) (a) Before October 31, 2022, the department shall submit to the Transportation Interim Committee a written plan for the department to assume management of all fixed guideway capital development projects within a large public transit district for which state funds are expended.

(b) The department shall consult with a large public transit district and relevant metropolitan planning organizations in developing the plan described in Subsection (5)(a).

(c) The Transportation Interim Committee shall consider the plan submitted by the department as described in Subsection (5)(a) and make recommendations to the Legislature before December 1, 2022.

Section ~~14~~18. Section 72-1-203 is amended to read:

**72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants and advisers -- Salaries.**

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(1) The executive director shall appoint two deputy directors, who shall serve at the discretion of the executive director.

(2) (a) The deputy director of engineering and operations shall be a registered professional engineer in the state and is the chief engineer of the department.

(b) The deputy director of engineering and operations shall assist the executive director with areas of responsibility that may include:

(i) project development, including statewide standards for project design and construction, right-of-way, materials, testing, structures, and construction;

(ii) oversight of the management of the region offices described in Section 72-1-205;

(iii) operations and traffic management;

(iv) oversight of operations of motor carriers and ports;

(v) transportation systems safety;

(vi) aeronautical operations; and

(vii) equipment for department engineering and maintenance functions.

(c) The deputy director of planning and investment shall assist the executive director with areas of responsibility that may include:

(i) oversight and coordination of planning, including:

(A) development of statewide strategic initiatives for planning across all modes of transportation;

(B) coordination with metropolitan planning organizations and local governments; and

(C) corridor and area planning;

(ii) responsibility for the oversight and supervision of any fixed guideway capital development project within the boundaries of a large public transit district for which any state funds are expended;

~~(ii)~~ (iii) asset management;

~~(iii)~~ (iv) programming and prioritization of transportation projects;

~~(iv)~~ (v) fulfilling requirements for environmental studies and impact statements;

~~(v)~~ (vi) resource investment, including identification, development, and oversight of public-private partnership opportunities;

~~(vi)~~ (vii) data analytics services to the department;

~~(vii)~~ (viii) corridor preservation;

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~~[(viii)]~~ (ix) employee development;

~~[(ix)]~~ (x) maintenance planning; and

~~[(x)]~~ (xi) oversight and facilitation of the negotiations and integration of public transit providers described in Section 17B-2a-827.

Section ~~{15}~~19. Section **72-1-301** is amended to read:

### **72-1-301. Transportation Commission created -- Members, appointment, terms -- Qualifications -- Pay and expenses -- Chair -- Quorum.**

(1) (a) There is created the Transportation Commission which shall consist of seven members.

(b) The members of the commission shall be residents of Utah.

(c) The members of the commission shall be selected on a nonpartisan basis.

(d) ~~[(†)]~~ The commissioners shall, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, be appointed by the governor, with the advice and consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years~~[, except as provided under Subsection (1)(d)(ii)].~~

~~[(ii) The first two additional commissioners serving on the seven member commission shall be appointed for terms of two years nine months and four years nine months, respectively, initially commencing on July 1, 1996, and subsequently commencing as specified under Subsection (1)(d)(i).]~~

(e) The commissioners serve on a part-time basis.

(f) Each commissioner shall remain in office until a successor is appointed and qualified.~~{ }~~

~~[(2)(a) Except as provided in Subsection (2)(b), the selection of the commissioners shall be as follows:]~~

~~[(i) one commissioner from Box Elder, Cache, or Rich county;]~~

~~[(ii) one commissioner from Salt Lake or Tooele county;]~~

~~[(iii) one commissioner from Carbon, Emery, Grand, or San Juan county;]~~

~~[(iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier, Washington, or Wayne county;]~~

~~[(v) one commissioner from Weber, Davis, or Morgan county;]~~

~~[(vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or~~

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~~Daggett county, and]~~

~~[(vii) one commissioner selected from the state at large.]~~

~~[(b)] (2) (a) [Beginning with the appointment of commissioners on or after July 1, 2009 and subject]~~ Subject to the restriction in Subsection ~~[(2)(d)]~~ (2)(c), the selection of commissioners shall be as follows:

(i) four commissioners with one commissioner selected from each of the four regions established by the department; and

(ii) subject to the restriction in Subsection ~~[(2)(e)]~~ (2)(b), three commissioners selected from the state at large.

~~[(c)]~~ (b) (i) At least one of the three commissioners appointed under Subsection ~~[(2)(b)(ii)]~~ (2)(a)(ii) shall be selected from a rural county.

(ii) For purposes of this Subsection ~~[(2)(e)]~~ (2)(b), a rural county ~~[includes]~~ is a county of the third, fourth, fifth, or sixth class.

~~[(d)]~~ (c) No more than two commissioners appointed under Subsection ~~[(2)(b)]~~ (2)(a) may be selected from any one of the four regions established by the department.

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) (a) One member of the commission shall be designated by the governor as chair.

(b) The commission ~~[shall]~~ may select one member as vice chair to act in the chair's absence.

(5) Any four commissioners constitute a quorum.

(6) Each member of the commission shall qualify by taking the constitutional oath of office.

(7) Each member of the commission is subject to the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

~~[(7)]~~ (8) For the purposes of Section 63J-1-504, the commission is not considered an agency.

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Section ~~{16}~~20. Section 72-1-302 is amended to read:

### 72-1-302. Commission offices and meetings.

(1) The commission shall [~~maintain offices and~~] hold regular publicmeetings [~~at those offices on dates fixed and formally announced by it, and may hold other meetings at the times and places as it may, by order, provide~~] at least quarterly.

(2) The commission may hold additional public meetings as determined by the chair of the commission in consultation with the executive director of the department.

~~[(a) Meetings may be held upon call of the governor, the chairman, or two commissioners upon notice of the time, place, and purpose of meeting to each commissioner at least seven days prior to the date of the meeting.]~~

~~[(b) Any meeting may be held upon shorter notice with the unanimous approval of the commission.]~~

~~[(c) A member of the commission shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.]~~

Section ~~{17}~~21. Section 72-1-303 is amended to read:

### 72-1-303. Duties of commission.

(1) The commission has the following duties:

(a) determining priorities and funding levels of projects  and programs in the state transportation systems and the  capital development of new public transit facilities for each fiscal year based on project lists compiled by the department and taking into consideration the strategic initiatives described in Section 72-1-211;

(b) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;

(c) holding public [~~hearings~~] meetings and otherwise providing for public input in transportation matters;

(d) making policies and rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section;

(e) in accordance with Section 63G-4-301, reviewing orders issued by the executive director in adjudicative proceedings held in accordance with Title 63G, Chapter 4, Administrative Procedures Act;

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(f) advising the department ~~[in]~~ on state transportation systems policy;

(g) approving settlement agreements of condemnation cases subject to Section 63G-10-401;

(h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a nonvoting~~[, ex officio]~~ member or a voting member on the board of trustees of a public transit district;

(i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term and long-range public transit plans; and

(j) reviewing administrative rules made, substantively amended, or repealed by the department.

(2) (a) For projects prioritized with funding provided under Sections 72-2-124 and 72-2-125, the commission shall annually report to a committee designated by the Legislative Management Committee:

(i) a prioritized list of the new transportation capacity projects in the state transportation system and the funding levels available for those projects; and

(ii) the unfunded highway construction and maintenance needs within the state.

(b) The committee designated by the Legislative Management Committee under Subsection (2)(a) shall:

(i) review the list reported by the Transportation Commission; and

(ii) make a recommendation to the Legislature on:

(A) the amount of additional funding to allocate to transportation; and

(B) the source of revenue for the additional funding allocation under Subsection (2)(b)(ii)(A).

(3) The commission shall review and may approve plans for the construction of a highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of Highway Facilities on Sovereign Lands Act.

(4) One or more associations representing airport operators or pilots in the state shall annually report to the commission recommended airport improvement projects and any other information related to the associations' expertise and relevant to the commission's duties.

Section ~~†18†~~22. Section **72-1-304** is amended to read:

**72-1-304. Written project prioritization process for new transportation capacity**



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### projects -- Rulemaking.

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

- (i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;
- (ii) paved pedestrian or paved nonmotorized transportation projects that:
  - (A) mitigate traffic congestion on the state highway system; and
  - (B) are part of an active transportation plan approved by the department;
- (iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and
- (iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.

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

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

- (A) the project will advance the purposes and goals described in Section 72-1-211;
- (B) for a public transit project, the local government or district has an ongoing funding source for operations and maintenance of the proposed development; and
- (C) the local government or district will provide [~~40%~~] the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

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

- (a) a description of how the strategic initiatives of the department adopted under Section 72-1-211 are advanced by the written prioritization process;
- (b) a definition of the type of projects to which the written prioritization process applies;
- (c) specification of a weighted criteria system that is used to rank proposed projects and how it will be used to determine which projects will be prioritized;
- (d) specification of the data that is necessary to apply the weighted ranking criteria; and

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

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

(A) employment;

(B) educational facilities;

(C) recreation;

(D) commerce; and

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

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

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

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

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

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

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

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

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

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

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

(c) If the department receives a notice of prioritization for a municipality as described

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in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county.

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

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

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

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

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

Section ~~19~~23. Section 72-1-305 is amended to read:

**72-1-305. Project selection using the written prioritization process -- Public comment -- Report.**

(1) Except as provided in Subsection (4), in determining priorities and funding levels of projects in the state transportation system under Subsection 72-1-303(1)(a) that are new transportation capacity projects, the commission shall use the weighted criteria system adopted in the written prioritization process under Section 72-1-304.

(2) Prior to finalizing priorities and funding levels of projects in the state transportation system, the commission shall conduct public [~~hearings~~] meetings at locations around the state and accept public comments on:

(a) the written prioritization process;

(b) the merits of new transportation capacity projects that will be prioritized under this section; and

(c) the merits of new transportation capacity projects as recommended by a consensus

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of local elected officials participating in a metropolitan planning organization as defined in Section 72-1-208.5.

(3) The commission shall make the weighted criteria system ranking for each project publicly available prior to the public [~~hearings~~] meetings held under Subsection (2).

(4) (a) If the commission prioritizes a project over another project with a higher rank under the weighted criteria system, the commission shall identify the change and accept public comment at a [~~hearing~~] meeting held under this section on the merits of prioritizing the project above higher ranked projects.

(b) The commission shall make the reasons for the prioritization under Subsection (4)(a) publicly available.

(5) (a) The executive director or the executive director's designee shall report annually to the governor and a committee designated by the Legislative Management Committee no later than the last day of October:

- (i) the projects prioritized under this section during the year prior to the report; and
- (ii) the status and progress of all projects prioritized under this section.

(b) Annually, before any funds are programmed and allocated from the Transit Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the executive director or the executive director's designee, along with the executive director of a large public transit district as described in Section 17B-2a-802, shall report to the governor and a committee designated by the Legislative Management Committee no later than the last day of October:

- (i) the public transit projects prioritized under this section during the year prior to the report; and
- (ii) the status and progress of all public transit projects prioritized under this section.

(6) (a) The department may not delay a new transportation capacity project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the commission due to an unavoidable shortfall in revenues unless the project delays are prioritized and approved by the Transportation Commission.

(b) The Transportation Commission shall prioritize and approve any new transportation capacity project delays for projects that were funded by the Legislature in an appropriations act due to an unavoidable shortfall in revenues.

Section ~~{20}~~24. Section **72-2-124** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) the SR-97 interchange at 5600 South on I-15;

(D) two lanes on U-111 from Herriman Parkway to 11800 South;

(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

(F) improvements to 1600 North in Orem from 1200 West to State Street;

(G) widening I-15 between mileposts 6 and 8;

(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;

(J) I-15 northbound between mileposts 43 and 56;

(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;

(L) east Zion SR-9 improvements;

(M) Toquerville Parkway;

(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

(O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and

(P) an environmental impact study for Kimball Junction in Summit County; and

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(x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:

(A) \$5,000,000 for Payson Main Street repair and replacement;

(B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

(C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

(D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10.

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

(5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality during the fiscal year specified in the notice.

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

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

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

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

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

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

(6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of

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ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county during the fiscal year specified in the notice.

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

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

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

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

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

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

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

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

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

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



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(b) The fund shall be funded by:

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

(ii) appropriations into the account by the Legislature;

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

(iv) private contributions; and

(v) donations or grants from public or private entities.

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

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

(d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund:

(i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;

(ii) for development of the oversight plan described in Section 72-1-202(5); or

(iii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility.

(e) (i) The Legislature may only appropriate money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than [~~40%~~] 20% of the costs needed for the project.

(ii) A public transit district or political subdivision may use money derived from a loan granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or part of the [~~40%~~] 20% requirement described in Subsection (9)(e)(i) if:

(A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund; and

(B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.

(f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department \$5,000,000 per year for 15 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.

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

(b) The fund shall be funded by:

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

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

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

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

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

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

Section 25. Section 72-5-117 is amended to read:

72-5-117. Rulemaking for sale of real property -- Licensed or certified appraisers

-- Exceptions.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if the department buys, sells, or exchanges real property, the department shall make rules to ensure that the value of the real property is congruent with the proposed price and other terms of the purchase, sale, or exchange.

(2) The rules:

(a) shall establish procedures for determining the value of the real property;

(b) may provide that an appraisal, as defined under Section 61-2g-102, demonstrates the real property's value; [and]

(c) may require that the appraisal be completed by a state-certified general appraiser, as defined under Section 61-2g-102[-]; and

(d) may provide for the sale or exchange of real property, with or without charge, to a large public transit district if the executive director enters into an agreement with the large public transit district and determines that the real property:

(i) is within the boundaries of a station area that has a station area plan certified by a metropolitan planning organization in accordance with Section 10-9a-403.1;

(ii) is part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802;

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(iii) is adjacent to a completed fixed guideway capital development that was overseen by the department; or

(iv) will only be used by the large public transit district in a manner that the executive director determines will provide a benefit to the state transportation system.

(3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or to an interest in real property:

(a) that is under a contract or other written agreement before May 5, 2008; or

(b) with a value of less than \$100,000, as estimated by the state agency.

Section 26. Section 72-9-604 is amended to read:

**72-9-604. Preemption of local authorities -- Tow trucks.**

(1) As used in this section, "towing entity" means:

(a) a political subdivision of this state;

(b) a state agency;

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

or

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

[(†)] (2) (a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that conflicts with:

(i) any provision of this part;

(ii) Section 41-6a-1401;

(iii) Section 41-6a-1407; or

(iv) rules made by the department under this part.

(b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

(i) is holding the vehicle, vessel, or outboard motor as evidence; and

(ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

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~~[(2)] (3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.~~

~~[(3)] (4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.~~

~~[(4)] (5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:~~

~~(a) no fee is charged for the inspection; and~~

~~(b) the inspection complies with federal motor carrier safety regulations.~~

~~[(5)] (6) (a) A tow truck shall be subject to only one annual safety inspection under Subsection ~~[(4)(b)] (5)(b).~~~~

~~(b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.~~

~~[(6) (a) (i) Beginning on July 1, 2021, a political subdivision or state agency may not charge an applicant a fee or charge related to dispatch costs in order to be part of the towing rotation of that political subdivision or state agency.]~~

~~[(ii) Notwithstanding Subsection (6)(a)(i), a special service district under Title 17D, Chapter 1, Special Service District Act, may charge an applicant a fee or charge related to dispatch costs in order to be part of the towing rotation of that special service district.]~~

~~[(b) In addition to the fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck motor carrier may charge a fee to cover the costs of a dispatch charge described in Subsection (6)(a).]~~

~~[(c) The amount of the fee described in Subsection (6)(b) may not exceed the amount charged to the tow truck motor carrier for dispatch services under Subsection (6)(a).]~~

~~[(d) A political subdivision or state agency that does not charge a dispatch fee as of January 1, 2019, may not charge a dispatch fee described in Subsection (6)(a)(i).]~~

~~(7) (a) (i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a~~

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dispatch vendor as described in Section 53-1-106.2.

(ii) Except as provided in Subsection (7)(c), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.

(b) (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.

(ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.

(iii) Except as provided in Subsection (7)(c), a fee described in Subsection (7)(b)(ii) may not exceed the actual costs of providing the towing dispatch and rotation service.

(c) The towing entity may include as part of a fee described in Subsection (7)(a)(i) or (7)(b)(i), or a tow truck operator, or a tow truck motor carrier, may charge an additional fee to absorb unrecoverable costs related to the fees described Subsections (7)(a)(i) and (7)(b)(i).

(d) A towing entity may not charge a fee described in Subsection (7)(a)(i), (7)(b)(i), or (7)(c), unless the relevant governing body of the towing entity has approved the fee amount.

(e) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.

[~~(7)~~] (8) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.

[~~(8)~~] (9) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.