

**32B-2-204 Powers and duties of the department -- Immunity.**

- (1) The department shall control liquor merchandise inventory including:
  - (a) listing and delisting a product;
  - (b) the procedures for testing a new product;
  - (c) purchasing policy;
  - (d) turnover requirements for a regularly coded product to be continued; and
  - (e) the disposition of discontinued, distressed, or unsaleable merchandise.
- (2)
  - (a) The department shall report to the governor on the administration of this title:
    - (i) as the governor may require; and
    - (ii) annually by no later than November 30, for the fiscal year ending June 30 of the year in which the report is made.
  - (b) A report under this Subsection (2) shall contain:
    - (i) a statement of the nature and amount of the business transacted by the department during the year;
    - (ii) a statement of the department's assets and liabilities including a profit and loss account, and other accounts and matters necessary to show the results of operations of the department for the year;
    - (iii) general information on the application of this title in the state; and
    - (iv) any other information requested by the governor.
  - (c) The department shall submit a copy of a report described in this Subsection (2) to the Legislature.
- (3) The department shall maintain insurance against loss on each motor vehicle operated by it on any public highway. A motor vehicle shall be covered for:
  - (a) liability imposed by law upon the department for damages from bodily injuries suffered by one or more persons by reason of the ownership, maintenance, or use of the motor vehicle; and
  - (b) liability or loss from damage to or destruction of property of any description, including liability of the department for the resultant loss of use of the property, which results from accident due to the ownership, maintenance, or use of the motor vehicle.
- (4)
  - (a) The department may sue, be sued, and defend in a proceeding, in a court of law or otherwise, in the name of the department.
  - (b) An action may not be taken:
    - (i) against the commission; or
    - (ii) in the name of a commissioner.
- (5) The department is liable to respond in damages in a case if a private corporation under the same circumstances would be liable.
- (6)
  - (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies in an action commenced against the department for damages sustained as a result of department ownership, maintenance, or use of a motor vehicle under Subsections (4) and (5).
  - (b) In an action described in Subsection (6)(a), the commission and each commissioner are immune from suit.

Enacted by Chapter 276, 2010 General Session