# Title 53. Public Safety Code

## Chapter 1
## Administration

## Part 1
## Department Administration

**53-1-101 Title.**

This title is known as the "Public Safety Code."

Enacted by Chapter 234, 1993 General Session

**53-1-102 Definitions.**

(1) As used in this title:

(a) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.

(b) "Commissioner" means the commissioner of public safety appointed under Section 53-1-107.

(c) "Department" means the Department of Public Safety created in Section 53-1-103.

(d) "Governor-elect" means an individual whom the board of canvassers determines to be the successful candidate for governor after a general election for the office of governor.

(e) "Law enforcement agency" means an entity or division of:

(i)

(A) the federal government, a state, or a political subdivision of a state;

(B) a state institution of higher education; or

(C) a private institution of higher education, if the entity or division is certified by the commissioner under Title 53, Chapter 19, Certification of Private Law Enforcement Agency; and

(ii) that exists primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances.

(f) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

(g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except motorized wheel chairs and vehicles moved solely by human power.

(h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications.

(i) "Public official" means the same as that term is defined in Section 36-11-102.

(j) "State institution of higher education" means the same as that term is defined in Section 53B-3-102.

(k) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(2) The definitions provided in Subsection (1) are to be applied throughout this title in addition to definitions that are applicable to specific chapters or parts.

Amended by Chapter 425, 2024 General Session

**53-1-103 Creation of department.**

(1) There is created within state government the Department of Public Safety.
(2) The department has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities specified in this title.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-104 Boards, bureaus, councils, divisions, and offices.**
(1) The following are the policymaking boards and committees within the department:
  (a) the Trauma System and Emergency Medical Services Committee created in Section 53-2d-104;
  (b) the Air Ambulance Committee created in Section 53-2d-107;
  (c) the Driver License Medical Advisory Board, created in Section 53-3-303;
  (d) the Concealed Firearm Review Board, created in Section 53-5a-302;
  (e) the Utah Fire Prevention Board, created in Section 53-7-203;
  (f) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
  (g) the Bail Bond Recovery and Private Investigator Licensure Board created in Section 53-11-104.
(2) The Peace Officer Standards and Training Council, created in Section 53-6-106, is within the department.
(3) The following are the divisions within the department:
  (a) the Administrative Services Division, created in Section 53-1-203;
  (b) the Management Information Services Division, created in Section 53-1-303;
  (c) the Division of Emergency Management, created in Section 53-2a-103;
  (d) the Driver License Division, created in Section 53-3-103;
  (e) the Criminal Investigations and Technical Services Division, created in Section 53-10-103;
  (f) the Peace Officer Standards and Training Division, created in Section 53-6-103;
  (g) the State Fire Marshal Division, created in Section 53-7-103; and
  (h) the Utah Highway Patrol Division, created in Section 53-8-103.
(4) The Office of Executive Protection is created in Section 53-1-112.
(5) The following are the bureaus within the department:
  (a) the Bureau of Emergency Medical Services, created in Section 53-2d-102;
  (b) the Bureau of Criminal Identification, created in Section 53-10-201;
  (c) the State Bureau of Investigation, created in Section 53-10-301;
  (d) the Bureau of Forensic Services, created in Section 53-10-401; and
  (e) the Bureau of Communications, created in Section 53-10-501.

Amended by Chapter 208, 2025 General Session

**53-1-105 Rulemaking -- Adjudicative proceedings -- Meetings.**
The commissioner and the department and its boards, councils, divisions, and offices shall comply with the procedures and requirements of:
(1) Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in their rulemaking;
(2) Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings; and
(3) Title 52, Chapter 4, Open and Public Meetings Act, in their meetings.

Amended by Chapter 382, 2008 General Session

**53-1-106 Department duties -- Powers.**

(1) In addition to the responsibilities contained in this title, the department shall:
(a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code, including:
(i) setting performance standards for towing companies to be used by the department, as required by Section 41-6a-1406; and
(ii) advising the Department of Transportation regarding the safe design and operation of school buses, as required by Section 41-6a-1304;
(b) make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;
(c) aid in enforcement efforts to combat drug trafficking;
(d) meet with the Division of Technology Services to formulate contracts, establish priorities, and develop funding mechanisms for dispatch and telecommunications operations;
(e) provide assistance to the Commission on Criminal and Juvenile Justice and the Utah Office for Victims of Crime in conducting research or monitoring victims' programs, as required by Section 63M-7-507;
(f) develop sexual assault exam protocol standards in conjunction with the Utah Hospital Association;
(g) engage in emergency planning activities, including preparation of policy and procedure and rulemaking necessary for implementation of the federal Emergency Planning and Community Right to Know Act of 1986, as required by Section 53-2a-702;
(h) implement the provisions of Section 53-2a-402, the Emergency Management Assistance Compact;
(i) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
(i) under this title;
(ii) by the department; or
(iii) by an agency or division within the department;
(j) employ a law enforcement officer as a public safety liaison to be housed at the State Board of Education who shall work with the State Board of Education to:
(i) support training with relevant state agencies for school resource officers as described in Section 53G-8-702;
(ii) coordinate the creation of model policies and memorandums of understanding for a local education agency and a local law enforcement agency; and
(iii) ensure cooperation between relevant state agencies, a local education agency, and a local law enforcement agency to foster compliance with disciplinary related statutory provisions, including Sections 53E-3-516 and 53G-8-211;
(k) provide for the security and protection of public officials, public officials' staff, and the capitol hill complex in accordance with the provisions of this part;
(l) fulfill the duties described in Sections 77-36-2.1 and 78B-7-120 related to lethality assessments; and
(m) fulfill the duties described in Section 63L-13-201 related to restricted foreign entities.
(2)
(a) The department shall establish a schedule of fees as required or allowed in this title for services provided by the department.
(b) All fees not established in statute shall be established in accordance with Section 63J-1-504.
(3) The department may establish or contract for the establishment of an Organ Procurement Donor Registry in accordance with Section 26B-8-319.

Amended by Chapter 506, 2024 General Session

**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.

Repealed and Re-enacted by Chapter 219, 2023 General Session

**53-1-106.5 Utah Medical Cannabis Act -- Department duties.**

In addition to the duties described in Section 53-1-106, the department shall:

(1) provide standards for training peace officers and law enforcement agencies in the use of the state electronic verification system; and

(2) collaborate with the Department of Health and the Department of Agriculture and Food to provide standards for training peace officers and law enforcement agencies in medical cannabis law.

Amended by Chapter 1, 2018 Special Session 3

**53-1-107 Commissioner of public safety -- Appointment -- Qualifications -- Salary.**

(1) The chief executive officer of the department is the commissioner.

(2)

(a) Every fourth year after the year 1989, the governor shall appoint a commissioner with the advice and consent of the Senate.

(b) The commissioner shall serve for a period of four years from July 1 of the year of the commissioner's appointment.

(3) The commissioner shall:

(a) be an individual of recognized executive and administrative capacity;

(b) be selected solely with regard to the commissioner's qualifications and fitness to discharge the duties of the commissioner's office;

(c) be of high moral character;

(d) be of good standing in the community in which the commissioner lives; and

(e) have been a resident of this state for a period of at least five years immediately prior to appointment.

(4) The commissioner shall devote full time to the duties of the office.
(5) The governor shall establish the commissioner's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Amended by Chapter 352, 2020 General Session

**53-1-108 Commissioner's powers and duties.**
(1) In addition to the responsibilities contained in this title, the commissioner shall:
(a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
(b) appoint deputies, inspectors, examiners, clerical workers, and other employees as required to properly discharge the duties of the department;
(c) make rules:
(i) governing emergency use of signal lights on private vehicles; and
(ii) allowing privately owned vehicles to be designated for part-time emergency use, as provided in Section 41-6a-310;
(d) set standards for safety belt systems, as required by Section 41-6a-1803;
(e) serve as the cochair of the Emergency Management Administration Council, as required by Section 53-2a-105;
(f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6a-102; and
(g) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender.
(2) The commissioner may:
(a) subject to the approval of the governor, establish division headquarters at various places in the state;
(b) issue to a special agent a certificate of authority to act as a peace officer and revoke that authority for cause, as authorized in Section 56-1-21.5;
(c) create specialized units within the commissioner's office for conducting internal affairs and aircraft operations as necessary to protect the public safety;
(d) cooperate with any recognized agency in the education of the public in safety and crime prevention and participate in public or private partnerships, subject to Subsection (3);
(e) cooperate in applying for and distributing highway safety program funds;
(f) receive and distribute federal funding to further the objectives of highway safety in compliance with Title 63J, Chapter 5, Federal Funds Procedures Act;
(g) authorize off-duty personal use of Department of Public Safety emergency vehicles; and
(h) deny or revoke a public or private school's occupancy permit based on the recommendations of the state security chief as described in Section 53-22-102.
(3)
(a) Money may not be expended under Subsection (2)(d) for public safety education unless it is specifically appropriated by the Legislature for that purpose.
(b) Any recognized agency receiving state money for public safety shall file with the auditor of the state an itemized statement of all its receipts and expenditures.

Amended by Chapter 21, 2024 General Session

**53-1-109 Security for capitol complex -- Traffic and parking rules enforcement for division -- Security personnel as law enforcement officers.**

(1)
(a) The commissioner, under the direction of the State Capitol Preservation Board, shall:
(i) provide for the security of capitol hill; and
(ii) enforce traffic provisions under Title 41, Chapter 6a, Traffic Code, and parking rules, as adopted by the State Capitol Preservation Board, for capitol hill.
(b) The commissioner, in cooperation with the director of the Division of Facilities Construction and Management shall provide for the security of all grounds and buildings under the jurisdiction of the Division of Facilities Construction and Management.
(2) Security personnel required in Subsection (1) shall be law enforcement officers as defined in Section 53-13-103.
(3) Security personnel who were actively employed and had five or more years of active service with Protective Services within the Utah Highway Patrol Division as special function officers, as defined in Section 53-13-105, on June 29, 1996, shall become law enforcement officers:
(a) without a requirement of any additional training or examinations, if they have completed the entire law enforcement officer training of the Peace Officers Standards and Training Division; or
(b) upon completing only the academic portion of the law enforcement officer training of the Peace Officers Standards and Training Division.
(4) An officer in a supervisory position with Protective Services within the Utah Highway Patrol Division shall be allowed to transfer the job title that the officer held on April 28, 1996, into a comparable supervisory position of employment as a peace officer for as long as the officer remains with Protective Services within the Utah Highway Patrol Division.

Amended by Chapter 425, 2024 General Session

**53-1-110 Compilation of highway, traffic, and driver licensing laws -- Printing and distribution -- Fees.**

(1)
(a) The commissioner shall compile an edition of the general highway, traffic, and driver licensing laws of the state as soon as practicable after each regular session of the Legislature.
(b) The edition shall include laws enacted or amended by the most recent session of the Legislature.
(2)
(a) The Division of Finance shall print a sufficient quantity of the compiled highway, traffic, and driver licensing laws to distribute copies to all state, county, and local enforcement agencies, courts, legislators, and other agencies as necessary.
(b) A fee may be assessed for each copy of the compilation issued by the Division of Finance. The fee shall be established by the Division of Finance in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

**53-1-111 Crime prevention month -- Department of Public Safety to coordinate.**

(1) The month of October is designated as "Crime Prevention Month."
(2) The department shall coordinate all activities, special programs, and promotional information to heighten public awareness and involvement in the prevention of crime in each community.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-112 Office of Executive Protection -- Creation.**

There is created within the department the Office of Executive Protection.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-113 Office of Executive Protection -- Personnel.**

(1) The commissioner shall select personnel for the Office of Executive Protection primarily from the ranks of the  Highway Patrol without competitive examination.
(2) Selection of personnel from other than these ranks may be made at the commissioner's discretion, provided the persons selected are peace officers.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-114 Office of Executive Protection -- Security and protection for governor and family -- Protection for other officials and staff -- Training -- Equipment.**

(1) The Office of Executive Protection shall provide all necessary security and protection for:
  (a) the governor and the governor's immediate family;
  (b) a governor-elect and the governor-elect's immediate family; and
  (c) the capitol hill complex.
(2)
  (a) Subject to the authorization of the commissioner, and only if there is a demonstrable need or a specifically identified threat to the individual to be protected, the Office of Executive Protection may provide protection to:
    (i) other public officials;
    (ii) a public official's staff member;
    (iii) a candidate for an elected state office and the candidate's immediate family during the time beginning on the date of the general election and ending on the date of the meeting of the board of canvassers under Section 20A-4-306; or
    (iv) an outgoing elected state official and the outgoing elected state official's immediate family.
  (b)
    (i) Protection provided under Subsection (2)(a) may not extend for more than 15 days without review and approval by the commissioner.
    (ii) Review and approval by the commissioner is required at the end of each 15-day period.
  (c) When protection is provided under Subsection (2)(a), the commissioner shall provide a report to the president of the Senate and the speaker of the House of Representatives at the end of each 15-day period.
  (d) The requirement for review and approval described in Subsection (2)(b)(ii) and the reporting requirement described in Subsection (2)(c) may be waived or modified by majority vote of the president of the Senate, the speaker of the House of Representatives, and the commissioner.
(3) The Office of Executive Protection shall assess, monitor, and address any threat to a public official, a public official's staff member, or any part of the capitol hill complex.
(4) The commissioner or the commissioner's designee shall provide weekly public protection training to members of the Office of Executive Protection who are assigned to provide security and protection to an individual described in Subsection (1) or (2).

(5) The commissioner or the commissioner's designee shall provide regular training to all members of the Office of Executive Protection on:
(a) personal protection;
(b) special tactics;
(c) facility defense; and
(d) any other topic that, in the determination of the commissioner or the commissioner's designee, is relevant to providing for the security and protection of public officials, public officials' staff, and the capitol hill complex.
(6)
(a) At times that the commissioner determines to be reasonable, the Office of Executive Protection shall provide personal security training for all public officials and public officials' staff members who work at the capitol hill complex.
(b) The Office of Executive Protection shall make personal security equipment, that the commissioner determines to be reasonable, available to the public officials and public officials' staff members who work at the capitol hill complex.

Amended by Chapter 360, 2021 General Session

**53-1-115 Office of Executive Protection -- Closure of property to protect governor -- Violation of order of closure.**

(1) As used in this section:
(a) "Office" includes the governor's official office and any other location not generally open to the public in which the governor is conducting the business of the state.
(b) "Parking space" includes any space occupied or to be occupied by the governor's vehicle when parked, regardless of whether it is the regular parking space of the governor's vehicle.
(c) "Premises" includes:
(i) the governor's official residence, private residence, and any temporary residence owned by the governor or the governor's family; and
(ii) any temporary lodging or residence where the governor is staying or intends to stay, regardless of whether the stay is for official or other purposes.
(d) "Vehicle" includes an automobile, airplane, or other mode of conveyance in which the governor is traveling or intends to travel.
(2) A member of the Office of Executive Protection may order the closure of or restriction of access to the governor's premises or office when in the member's discretion that action is necessary to insure the safety of the governor, the governor's immediate family, or other persons within the premises or office.
(3) A member of the Office of Executive Protection may order restriction of access to the governor's vehicle by ordering closure of or restriction of access to areas surrounding the vehicle, the vehicle's parking space, or the vehicle's routes of ingress or egress, when in the member's discretion that action is necessary to ensure the safety of the governor, the governor's immediate family, other persons within the vehicle, or the safe passage of persons in or out of or to or from the vehicle.
(4) A member of the Office of Executive Protection may order closure or restriction of access to any public property when in the member's discretion that action is necessary in the discharge of the duty to protect the governor, the governor's immediate family, or other persons for whom protection may be provided under Section 53-1-114.
(5)

(a) A member of the Office of Executive Protection may order closure of or restriction of access to privately owned property to the same extent and for the same purposes as for publicly owned property with the consent of the owner, tenant, or occupant of the private property.
(b) The owner, tenant, or occupant may:
(i) expressly ratify consent that was previously implicit; and
(ii) withdraw consent by informing a member of the Office of Executive Protection.
(6) An order of closure or restriction remains in effect for up to three consecutive days and may be extended beyond three days:
(a) with the commissioner's approval; or
(b) without the commissioner's approval if immediate circumstances warrant the extension.
(7)
(a) An order closing or restricting access to property shall be posted by placing a copy of it at the primary entrance to the property.
(b) An order restricting access to a vehicle shall be posted by placing a copy of it in the area to be closed or restricted, including the area surrounding the vehicle, the vehicle's parking space, or the vehicle's routes of ingress or egress.
(c) An order is not invalidated for failure to comply with the procedures of Subsection (7)(a) or (7)(b) if notice to the public of the order is otherwise sufficient and reasonable under the circumstances.
(8) An order shall specify the extent of the closure or restriction.
(9) A person who intentionally or knowingly enters or remains within public property in violation of an order of closure or restricted access is guilty of a class B misdemeanor.
(10) This section does not restrict or limit a member of the Office of Executive Protection in exercising any other power available to the member as an officer of the law to provide for the security of the governor or the safety of the public.

Amended by Chapter 146, 2000 General Session

**53-1-116 Violations.**

A violation of this title, except for a violation under Chapter 3, Part 2, Driver Licensing Act, is an infraction, unless otherwise provided.

Amended by Chapter 303, 2016 General Session

**53-1-117 Alcohol or drug enforcement funding -- Rulemaking -- Legislative findings.**

(1) From money appropriated by the Legislature and any other funds made available for the purposes described under this section, the department shall assist the law enforcement agencies of the state and its political subdivisions in the enforcement of alcohol or drug-related offenses.
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules establishing criteria and procedures for granting money under this section to law enforcement agencies for:
(a) providing equipment, including drug and alcohol testing equipment;
(b) funding the training and overtime of peace officers; and
(c) managing driving under the influence related abandoned vehicles.
(3) The Legislature finds that the money is for a general and statewide public purpose.

Amended by Chapter 342, 2011 General Session

**53-1-121 Technology and equipment for officer-involved critical incident investigation -- Rulemaking -- Legislative findings -- Revenue fund created.**

(1) The department shall assist the law enforcement agencies of the state and the state's political subdivisions to obtain technology and equipment to assist in the investigation of officer-involved critical incidents in which a firearm is used.

(2) To be eligible, the technology or equipment shall be:

(a) capable of recording actual shots fired, including the date and time, from a specific weapon;

(b) able to distinguish between actual shots fired and other, unrelated but contemporaneous, events; and

(c) tamper-proof and unable to be removed or manipulated by the officer.

(3) The department shall create a program to assist law enforcement agencies through monetary grants to:

(a) purchase technology and equipment to assist in the investigation of officer-involved critical incidents involving a firearm; and

(b) train law enforcement officers in the proper use and handling of any technology and equipment purchased in accordance with this section.

(4)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules establishing a program with criteria and procedures for granting matching funds under this section to law enforcement agencies to purchase technology or equipment meeting the criteria in Subsection (2).

(b) The rules shall require that funding provided to purchase technology or equipment under this section shall be matched by the requesting law enforcement agency.

(5) The Legislature finds that the money is for a general and statewide public purpose.

(6) Expenses accrued by the department in carrying out this section shall be provided from this appropriation, but may not exceed $40,000 annually.

(7) The Legislature shall appropriate funds to the department to use for matching grants to local law enforcement agencies to carry out the purpose of this program.

(8) The department shall report annually to the Criminal Justice Appropriations Subcommittee on the program. The report shall contain:

(a) the total amount of appropriations received by the program;

(b) amounts granted from the program to local law enforcement agencies, including an accounting of technology purchased by the local law enforcement agency;

(c) an accounting of any administrative expenses for the program paid out of the funds;

(d) requests for funding that were not granted and the reason for denial; and

(e) the total amount of remaining funds.

Amended by Chapter 271, 2025 General Session

**53-1-122 Road Rage Awareness and Prevention Restricted Account.**

(1) There is created a restricted account within the General Fund known as the Road Rage Awareness and Prevention Restricted Account.

(2) The account is funded by money appropriated by the Legislature.

(3) Upon appropriation, the department shall expend funds from the restricted account to pay for an education and media campaign on road rage awareness and prevention.

Enacted by Chapter 319, 2024 General Session

## Part 2
## Administrative Services

**53-1-201 Short title.**
This part is known as "Administrative Services."

Enacted by Chapter 234, 1993 General Session

**53-1-202 Definitions.**
As used in this part:
(1) "Director" means the division director appointed under Section 53-1-203.
(2) "Division" means the Administrative Services Division created in Section 53-1-203.

Enacted by Chapter 234, 1993 General Session

**53-1-203 Creation of Administrative Services Division -- Appointment of director -- Qualifications -- Term -- Compensation.**
(1) There is created within the department the Administrative Services Division.
(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.
(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.
(5) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-1-204 Division duties.**
The division shall:
(1) provide administrative and staff support to the commissioner;
(2) ensure that all departmental administrative processes are in compliance with state law, rules, and procedures;
(3) make deposits, pay all claims and obligations of the department, and conduct all treasury transactions;
(4) prepare the department budget, review department expenditures, prepare financial reports, and offer general assistance with financial matters to the department;
(5) coordinate and review department purchases and monitor department purchasing practices to ensure compliance with state procurement rules;
(6) coordinate the purchase, operation, maintenance, records, and final disposal of the department's vehicle fleet;
(7) make capital facility plans for the department, maintain a capital equipment inventory system, coordinate risk management records, and organize waste paper recycling; and

(8) make rules for the department authorized by this title.

Amended by Chapter 302, 2016 General Session

## Part 3
## Management Information Services

**53-1-301 Short title.**
This part is known as "Management Information Services."

Enacted by Chapter 234, 1993 General Session

**53-1-302 Definitions.**
As used in this part:
(1) "Director" means the division director appointed under Section 53-1-303.
(2) "Division" means the Management Information Services Division created in Section 53-1-303.

Enacted by Chapter 234, 1993 General Session

**53-1-303 Creation of Management Information Services Division -- Appointment of director -- Qualifications -- Term -- Compensation.**
(1) There is created within the department the Management Information Services Division.
(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.
(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.
(5) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-1-304 Division duties.**
The division shall:
(1) provide technical support for the department's various computer systems, including computer software, hardware, and networking support;
(2) provide access to the National Crime Information Center, National Law Enforcement Telecommunication System, which provides electronic mail messaging capabilities to law enforcement agencies throughout the nation, and to National Commercial Driver License Information;
(3) create information systems for public safety information;
(4) provide programming support as required by the department;
(5) design systems and programs to maximize the efficiency of the department;

(6) provide law enforcement officers and criminal justice agencies access to public safety information that will assist in protecting the public; and
(7) other duties as assigned by the commissioner.

Enacted by Chapter 234, 1993 General Session

# Chapter 2a
# Emergency Management Act

## Part 1
## Emergency Management Act

**53-2a-101 Title.**
This part is known as the "Emergency Management Act."

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-102 Definitions.**
As used in this chapter:
(1) "Alerting authority" means a political subdivision that has received access to send alerts through the Integrated Public Alert and Warning System.
(2) "Attack" means a nuclear, cyber, conventional, biological, act of terrorism, or chemical warfare action against the United States of America or this state.
(3) "Commissioner" means the commissioner of the Department of Public Safety or the commissioner's designee.
(4) "Director" means the division director appointed under Section 53-2a-103 or the director's designee.
(5) "Disaster" means an event that:
(a) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomena, or technological hazard; and
(b) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require response by government, not-for-profit, or private entities.
(6) "Division" means the Division of Emergency Management created in Section 53-2a-103.
(7) "Emergency manager" means an individual designated as the emergency manager for a political subdivision as described in Section 53-2a-1402.
(8) "Energy" includes the energy resources defined in this chapter.
(9) "Expenses" means actual labor costs of government and volunteer personnel, and materials.
(10) "Hazardous materials emergency" means a sudden and unexpected release of any substance that because of its quantity, concentration, or physical, chemical, or infectious characteristics presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.
(11) "Internal disturbance" means a riot, prison break, terrorism, or strike.

(12) "IPAWS" means the Integrated Public Alert and Warning System administered by the Federal Emergency Management Agency.
(13) "Municipality" means the same as that term is defined in Section 10-1-104.
(14) "Natural phenomena" means any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, or drought.
(15) "Officer" means a person who is elected or appointed to an office or position within a political subdivision.
(16) "Political subdivision" means the same as that term is defined in Section 11-61-102.
(17) "State of emergency" means a condition in any part of this state that requires state government emergency assistance to supplement the local efforts of the affected political subdivision to save lives and to protect property, public health, welfare, or safety in the event of a disaster, or to avoid or reduce the threat of a disaster.
(18) "Technological hazard" means any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.
(19) "Terrorism" means activities or the threat of activities that:
(a) involve acts dangerous to human life;
(b) are a violation of the criminal laws of the United States or of this state; and
(c) to a reasonable person, would appear to be intended to:
(i) intimidate or coerce a civilian population;
(ii) influence the policy of a government by intimidation or coercion; or
(iii) affect the conduct of a government by mass destruction, assassination, or kidnapping.
(20) "Urban search and rescue" means the location, extrication, and initial medical stabilization of victims trapped in a confined space as the result of a structural collapse, transportation accident, mining accident, or collapsed trench.

Amended by Chapter 39, 2022 General Session

**53-2a-103 Division of Emergency Management -- Creation -- Director -- Appointment -- Term -- Compensation.**
(1) There is created within the Department of Public Safety the Division of Emergency Management.
(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.
(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
(4) The director acts under the supervision and control of the commissioner and may be removed from the position at the will of the commissioner.
(5) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-2a-104 Division duties -- Powers.**
(1) Subject to limitation by the Legislature as described in Subsection 53-2a-206(5), the division shall:
(a) respond to the policies of the governor and the Legislature;

(b) perform functions relating to emergency management as directed by the governor or by the commissioner, including:
(i) coordinating with state agencies and local governments the use of personnel and other resources of these governmental entities as agents of the state during an interstate disaster in accordance with the Emergency Management Assistance Compact described in Section 53-2a-402;
(ii) coordinating the requesting, activating, and allocating of state resources, including use of state disaster response personnel in accordance with Section 53-2a-221, during an intrastate disaster or a local state of emergency;
(iii) receiving and disbursing federal resources provided to the state in a declared disaster;
(iv) appointing a state coordinating officer who is the governor's representative and who shall work with a federal coordinating officer during a federally declared disaster; and
(v) appointing a state recovery officer who is the governor's representative and who shall work with a federal recovery officer during a federally declared disaster;
(c) prepare, implement, and maintain programs and emergency operation plans to provide for:
(i) prevention and minimization of injury and damage caused by disasters;
(ii) prompt and effective response to and recovery from disasters;
(iii) identification of areas particularly vulnerable to disasters;
(iv) coordination of hazard mitigation and other preventive and preparedness measures designed to eliminate or reduce disasters;
(v) assistance to local officials, state agencies, and the business and public sectors, in developing emergency action plans;
(vi) coordination of federal, state, and local emergency activities;
(vii) coordination of emergency operations plans with emergency plans of the federal government;
(viii) coordination of urban search and rescue activities;
(ix) coordination of rapid and efficient communications in times of emergency; and
(x) other measures necessary, incidental, or appropriate to this part;
(d) coordinate with local officials, state agencies, and the business and public sectors in developing, implementing, and maintaining a state energy emergency plan in accordance with Section 53-2a-902;
(e) coordinate with state agencies regarding development and construction of state buildings within a flood plain to ensure compliance with minimum standards of the National Flood Insurance Program, 42 U.S.C. Chapter 50, Subchapter I, as described in Section 53-2a-106;
(f) administer Part 6, Disaster Recovery Funding Act, in accordance with that part;
(g) conduct outreach annually to agencies and officials who have access to IPAWS; and
(h) coordinate with counties to ensure every county has the access and ability to send, or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency Alert System messages.
(2) Every three years, organizations that have the ability to send IPAWS messages, including emergency service agencies, public safety answering points, and emergency managers shall send verification of Federal Emergency Management Agency training to the Division.
(3)
(a) The Department of Public Safety shall designate state geographical regions and allow the political subdivisions within each region to:
(i) coordinate planning with other political subdivisions, tribal governments, and as appropriate, other entities within that region and with state agencies as appropriate, or as designated by the division;

(ii) coordinate grant management and resource purchases; and
(iii) organize joint emergency response training and exercises.
(b) The political subdivisions within a region designated in Subsection (3)(a) may not establish the region as a new government entity in the emergency disaster declaration process under Section 53-2a-208.
(4) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) establish protocol for prevention, mitigation, preparedness, response, recovery, and the activities described in Subsection (3);
(b) coordinate federal, state, and local resources in a declared disaster or local emergency; and
(c) implement provisions of the Emergency Management Assistance Compact as provided in Section 53-2a-402 and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.
(5) The division may consult with the Legislative Management Committee, the Judicial Council, and legislative and judicial staff offices to assist the division in preparing emergency succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim Succession Act.
(6) The division shall report annually in writing not later than October 31 to the Law Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding the status of the emergency alert system in the state. The report shall include:
(a) a status summary of the number of alerting authorities in Utah;
(b) any changes in that number;
(c) administrative actions taken; and
(d) any other information considered necessary by the division.

Amended by Chapter 38, 2022 General Session

**53-2a-105 Emergency Management Administration Council created -- Function -- Composition -- Expenses.**

(1) There is created the Emergency Management Administration Council to:
(a) provide advice and coordination for state and local government agencies on government emergency prevention, mitigation, preparedness, response, and recovery actions and activities;
(b) review the progress and status of the statewide mutual aid system as defined in Section 53-2a-302;
(c) assist in developing methods to track and evaluate activation of the statewide mutual aid system; and
(d) examine issues facing participating political subdivisions, as defined in Section 53-2a-302, regarding implementation of the statewide mutual aid system.
(2) The council shall develop comprehensive guidelines and procedures that address the operation of the statewide mutual aid system, including:
(a) projected or anticipated costs of responding to emergencies;
(b) checklists for requesting and providing assistance;
(c) record keeping for participating political subdivisions;
(d) reimbursement procedures and other necessary implementation elements and necessary forms for requests; and
(e) other records documenting deployment and return of assets.
(3) The council may prepare an annual report on the condition and effectiveness of the statewide mutual aid system, make recommendations for correcting any deficiencies, and submit the report to the Political Subdivisions Interim Committee.

(4) The council shall meet at the call of the chair, but at least semiannually.
(5) The council shall be made up of the:
(a) lieutenant governor, or the lieutenant governor's designee;
(b) attorney general, or the attorney general's designee;
(c) heads of the following state agencies, or their designees:
(i) Department of Public Safety;
(ii) Division of Emergency Management;
(iii) Department of Transportation;
(iv) Department of Health;
(v) Department of Environmental Quality;
(vi) Department of Workforce Services;
(vii) Department of Natural Resources;
(viii) Department of Agriculture and Food;
(ix) Division of Technology Services; and
(x) Division of Indian Affairs;
(d) adjutant general of the National Guard or the adjutant general's designee;
(e) statewide interoperability coordinator of the Utah Communications Authority or the coordinator's designee;
(f) two representatives with expertise in emergency management appointed by the Utah League of Cities and Towns;
(g) two representatives with expertise in emergency management appointed by the Utah Association of Counties;
(h) up to four additional members with expertise in emergency management, critical infrastructure, or key resources as these terms are defined under 6 U.S.C. Sec. 101 appointed from the private sector, by the co-chairs of the council;
(i) two representatives appointed by the Utah Emergency Management Association;
(j) one representative from the Urban Area Working Group, appointed by the council co-chairs;
(k) one representative from education, appointed by the council co-chairs; and
(l) one representative from a volunteer or faith-based organization, appointed by the council co-chairs.
(6) The commissioner and the lieutenant governor shall serve as co-chairs of the council.
(7) 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.
(8) The council shall coordinate with existing emergency management related entities including:
(a) the Emergency Management Regional Committees established by the Department of Public Safety; and
(b) the Hazardous Chemical Emergency Response Commission designated under Section 53-2a-703.
(9) The council may appoint additional members or establish other committees and task forces as determined necessary by the council to carry out the duties of the council.

Amended by Chapter 506, 2024 General Session

**53-2a-106 Coordination for state development in a flood plain.**

Any state agency that plans to develop or construct a building within a flood plain shall consult and coordinate with the division to ensure compliance with minimum standards of the National Flood Insurance Program, 42 U.S.C. Chapter 50, Subchapter I.

Enacted by Chapter 106, 2021 General Session

## Part 2
## Disaster Response and Recovery Act

**53-2a-201 Title.**

This part is known as the "Disaster Response and Recovery Act."

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-202 Legislative findings -- Purpose.**

(1) The Legislature finds that existing and increasing threats of the occurrence of destructive disasters resulting from attack, internal disturbance, natural phenomenon or technological hazard could greatly affect the health, safety, and welfare of the people of this state, and it is therefore necessary to grant to the governor of this state and its political subdivisions special emergency disaster authority.

(2) It is the purpose of this act to assist the governor of this state and its political subdivisions to effectively provide emergency disaster response and recovery assistance in order to protect the lives and property of the people.

Amended by Chapter 258, 2015 General Session

**53-2a-203 Definitions.**

As used in this part:

(1) "Chief executive officer" means:

(a) for a municipality:

(i) the mayor for a municipality operating under all forms of municipal government except the council-manager form of government; or

(ii) the city manager for a municipality operating under the council-manager form of government;

(b) for a county:

(i) the chair of the county commission for a county operating under the county commission or expanded county commission form of government;

(ii) the county executive officer for a county operating under the county-executive council form of government; or

(iii) the county manager for a county operating under the council-manager form of government;

(c) for a special service district:

(i) the chief executive officer of the county or municipality that created the special service district if authority has not been delegated to an administrative control board as provided in Section 17D-1-301;

(ii) the chair of the administrative control board to which authority has been delegated as provided in Section 17D-1-301; or

(iii) the general manager or other officer or employee to whom authority has been delegated by the governing body of the special service district as provided in Section 17D-1-301; or

(d) for a special district:

(i) the chair of the board of trustees selected as provided in Section 17B-1-309; or

(ii) the general manager or other officer or employee to whom authority has been delegated by the board of trustees.

(2) "Executive action" means any of the following actions by the governor during a state of emergency:

(a) an order, a rule, or a regulation made by the governor as described in Section 53-2a-209;

(b) an action by the governor to suspend or modify a statute as described in Subsection 53-2a-204(1)(j); or

(c) an action by the governor to suspend the enforcement of a statute as described in Subsection 53-2a-209(4).

(3) "Exigent circumstances" means a significant change in circumstances following the expiration of a state of emergency declared in accordance with this chapter that:

(a) substantially increases the threat to public safety or health relative to the circumstances in existence when the state of emergency expired;

(b) poses an imminent threat to public safety or health; and

(c) was not known or foreseen and could not have been known or foreseen at the time the state of emergency expired.

(4) "Legislative emergency response committee" means the Legislative Emergency Response Committee created in Section 53-2a-218.

(5) "Local emergency" means a condition in any municipality or county of the state which requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster.

(6) "Long-term state of emergency" means a state of emergency:

(a) that lasts longer than 30 days; or

(b) declared to respond to exigent circumstances as described in Subsection 53-2a-206(3).

(7) "Political subdivision" means a municipality, county, special service district, or special district.

Amended by Chapter 16, 2023 General Session

**53-2a-204 Authority of governor -- Federal assistance -- Fraud or willful misstatement in application for financial assistance -- Penalty.**

(1) In addition to any other authorities conferred upon the governor, if the governor issues an executive order declaring a state of emergency, subject to limitation by the Legislature as described in Subsection 53-2a-206(5), the governor may:

(a) utilize all available resources of state government as reasonably necessary to cope with a state of emergency;

(b) employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with the provisions of this part and with orders, rules, and regulations made pursuant to this part;

(c) recommend and advise the evacuation of all or part of the population from any stricken or threatened area within the state if necessary for the preservation of life;

(d) recommend routes, modes of transportation, and destination in connection with evacuation;

(e) in connection with evacuation, suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful bearing of arms;

(f) control ingress and egress to and from a disaster area, the movement of persons within the area, and recommend the occupancy or evacuation of premises in a disaster area;
(g) clear or remove from publicly or privately owned land or water debris or wreckage that is an immediate threat to public health, public safety, or private property, including allowing an employee of a state department or agency designated by the governor to enter upon private land or waters and perform any tasks necessary for the removal or clearance operation if the political subdivision, corporation, organization, or individual that is affected by the removal of the debris or wreckage:
(i) presents an unconditional authorization for removal of the debris or wreckage from private property; and
(ii) agrees to indemnify the state against any claim arising from the removal of the debris or wreckage;
(h) enter into agreement with any agency of the United States:
(i) for temporary housing units to be occupied by victims of a state of emergency or persons who assist victims of a state of emergency; and
(ii) to make the housing units described in Subsection (1)(h)(i) available to a political subdivision of this state;
(i) assist any political subdivision of this state to acquire sites and utilities necessary for temporary housing units described in Subsection (1)(h)(i) by passing through any funds made available to the governor by an agency of the United States for this purpose;
(j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by executive order, during the state of emergency, any public health, safety, zoning, transportation, or other requirement of a statute or administrative rule within this state if such action is essential to provide temporary housing described in Subsection (1)(h)(i);
(k) upon determination that a political subdivision of the state will suffer a substantial loss of tax and other revenues because of a state of emergency and the political subdivision so affected has demonstrated a need for financial assistance to perform its governmental functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section 10-8-6:
(i) apply to the federal government for a loan on behalf of the political subdivision if the amount of the loan that the governor applies for does not exceed 25% of the annual operating budget of the political subdivision for the fiscal year in which the state of emergency occurs; and
(ii) receive and disburse the amount of the loan to the political subdivision;
(l) accept funds from the federal government and make grants to any political subdivision for the purpose of removing debris or wreckage from publicly owned land or water;
(m) upon determination that financial assistance is essential to meet expenses related to a state of emergency of individuals or families adversely affected by the state of emergency that cannot be sufficiently met from other means of assistance, apply for, accept, and expend a grant by the federal government to fund the financial assistance, subject to the terms and conditions imposed upon the grant;
(n) recommend to the Legislature other actions the governor considers to be necessary to address a state of emergency; or
(o) authorize the use of all water sources as necessary for fire suppression.
(2) A person who fraudulently or willfully makes a misstatement of fact in connection with an application for financial assistance under this section shall, upon conviction of each offense, be subject to a fine of not more than $5,000 or imprisonment for not more than one year, or both.

Amended by Chapter 437, 2021 General Session

**53-2a-205 Authority of chief executive officers of political subdivisions -- Ordering of evacuations.**

(1)

(a) In order to protect life and property when a state of emergency or local emergency has been declared, subject to limitation by the Legislature as described in Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each political subdivision of the state is authorized to:

(i) carry out, in the chief executive officer's jurisdiction, the measures as may be ordered by the governor under this part; and

(ii) take any additional measures the chief executive officer may consider necessary, subject to the limitations and provisions of this part.

(b) The chief executive officer may not take an action that is inconsistent with any order, rule, regulation, or action of the governor.

(c) A chief executive officer of a municipality may not exercise powers under this chapter to respond to an epidemic or a pandemic.

(2) Subject to Section 53-2a-216, when a state of emergency or local emergency is declared, the authority of the chief executive officer includes:

(a) utilizing all available resources of the political subdivision as reasonably necessary to manage a state of emergency or local emergency;

(b) employing measures and giving direction to local officers and agencies which are reasonable and necessary for the purpose of securing compliance with the provisions of this part and with orders, rules, and regulations made under this part;

(c) if necessary for the preservation of life, issuing an order for the evacuation of all or part of the population from any stricken or threatened area within the political subdivision;

(d) recommending routes, modes of transportation, and destinations in relation to an evacuation;

(e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles in relation to an evacuation, except that the chief executive officer may not restrict the lawful bearing of arms;

(f) controlling ingress and egress to and from a disaster area, controlling the movement of persons within a disaster area, and ordering the occupancy or evacuation of premises in a disaster area;

(g) clearing or removing debris or wreckage that may threaten public health, public safety, or private property from publicly or privately owned land or waters, except that where there is no immediate threat to public health or safety, the chief executive officer shall not exercise this authority in relation to privately owned land or waters unless:

(i) the owner authorizes the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance; and

(ii) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the local and state government against any claim arising from the removal; and

(h) invoking the provisions of any mutual aid agreement entered into by the political subdivision.

(3)

(a) If the chief executive is unavailable to issue an order for evacuation under Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for the preservation of life.

(b) The chief executive officer may ratify, modify, or revoke the chief law enforcement officer's order.

(4) Notice of an order or the ratification, modification, or revocation of an order issued under this section shall be:

(a) given to the persons within the jurisdiction by the most effective and reasonable means available; and

(b) filed in accordance with Subsection 53-2a-209(1).

Amended by Chapter 39, 2022 General Session

**53-2a-206 State of emergency -- Declaration -- Termination -- Commander in chief of military forces.**

(1) A state of emergency may be declared by executive order of the governor if the governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in any area of the state in which state government assistance is required to supplement the response and recovery efforts of the affected political subdivision or political subdivisions.

(2)

(a) Except as provided in Subsection (2)(b), a state of emergency described in Subsection (1) expires at the earlier of:

(i) the day on which the governor finds that the threat or danger has passed or the disaster reduced to the extent that emergency conditions no longer exist;

(ii) 30 days after the date on which the governor declared the state of emergency; or

(iii) the day on which the Legislature terminates the state of emergency by joint resolution.

(b)

(i) The Legislature may, by joint resolution, extend a state of emergency for a time period designated in the joint resolution.

(ii) If the Legislature extends a state of emergency in accordance with this subsection, the state of emergency expires on the date designated in the joint resolution.

(c) Except as provided in Subsection (3), if a state of emergency expires as described in Subsection (2), the governor may not declare a new state of emergency for the same disaster or occurrence as the expired state of emergency.

(3)

(a) After a state of emergency expires in accordance with Subsection (2), and subject to Subsection (4), the governor may declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, if the governor finds that exigent circumstances exist.

(b) A state of emergency declared in accordance with Subsection (3)(a) expires in accordance with Subsections (2)(a) and (b).

(c) After a state of emergency declared in accordance with Subsection (3)(a) expires, the governor may not declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, regardless of whether exigent circumstances exist.

(4)

(a)

(i) If the Legislature finds that emergency conditions warrant the extension of a state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may extend the state of emergency and specify which emergency powers described in this part are

necessary to respond to the emergency conditions present at the time of the extension of the state of emergency.

(ii) Circumstances that may warrant the extension of a state of emergency with limited emergency powers include:

(A) the imminent threat of the emergency has passed, but continued fiscal response remains necessary; or

(B) emergency conditions warrant certain executive actions, but certain emergency powers such as suspension of enforcement of statute are not necessary.

(b) For any state of emergency extended by the Legislature beyond 30 days as described in Subsection (2)(b), the Legislature may, by joint resolution:

(i) extend the state of emergency and maintain all of the emergency powers described in this part; or

(ii) limit or restrict certain emergency powers of:

(A) the division as described in Section 53-2a-104;

(B) the governor as described in Section 53-2a-204;

(C) a chief executive officer of a political subdivision as described in Section 53-2a-205; or

(D) other executive emergency powers described in this chapter.

(c) If the Legislature limits emergency powers as described in Subsection (4)(b), the Legislature shall:

(i) include in the joint resolution findings describing the nature and current conditions of the emergency that warrant the continuation or limitation of certain emergency powers; and

(ii) clearly enumerate and describe in the joint resolution which powers:

(A) are being limited or restricted; or

(B) shall remain in force.

(5) If the Legislature terminates a state of emergency by joint resolution, the governor shall issue an executive order ending the state of emergency on receipt of the Legislature's resolution.

(6) An executive order described in this section to declare a state of emergency shall state:

(a) the nature of the state of emergency;

(b) the area or areas threatened; and

(c) the conditions creating such an emergency or those conditions allowing termination of the state of emergency.

(7) During the continuance of any state of emergency the governor is commander in chief of the military forces of the state in accordance with Utah Constitution Article VII, Section 4, and Title 39A, National Guard and Militia Act.

Amended by Chapter 381, 2024 General Session

**53-2a-207 Expenditures authorized by "state of emergency" declaration.**

(1)

(a) The director may use funds authorized under this part to provide:

(i) transportation to and from the disaster scene;

(ii) accommodations at the disaster scene for prolonged incidents; and

(iii) emergency purchase of response equipment and supplies in direct support of a disaster.

(b) The commissioner may authorize the use of funds accrued under Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act, only if the governor declares a state of emergency as provided under this part.

(2) These funds may not be allocated to a political subdivision unless the political subdivision has demonstrated that it is beyond its capability to respond to the disaster and that no other resources are available in sufficient amount to meet the disaster.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-208 Local emergency -- Declarations -- Termination of a local emergency.**

(1)

(a) Except as provided in Subsection (1)(b), a chief executive officer of a municipality or county may declare by proclamation a state of emergency if the chief executive officer finds:

(i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an area of the municipality or county; and

(ii) the municipality or county requires additional assistance to supplement the response and recovery efforts of the municipality or county.

(b) A chief executive officer of a municipality may not declare by proclamation a state of emergency in response to an epidemic or a pandemic.

(2) A declaration of a local emergency:

(a) constitutes an official recognition that a disaster situation exists within the affected municipality or county;

(b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other political subdivisions or from the state or federal government;

(c) activates the response and recovery aspects of any and all applicable local disaster emergency plans; and

(d) authorizes the furnishing of aid and assistance in relation to the proclamation.

(3) A local emergency proclamation issued under this section shall state:

(a) the nature of the local emergency;

(b) the area or areas that are affected or threatened; and

(c) the conditions which caused the emergency.

(4) The emergency declaration process within the state shall be as follows:

(a) a city or town, shall declare to the county;

(b) a county shall declare to the state;

(c) the state shall declare to the federal government; and

(d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

(5) Nothing in this part affects:

(a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

(b) the duties, requests, reimbursements, or other actions taken by a political subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

(6)

(a) Except as provided in Subsection (6)(b), a state of emergency described in Subsection (1) expires the earlier of:

(i) the day on which the chief executive officer finds that:

(A) the threat or danger has passed;

(B) the disaster reduced to the extent that emergency conditions no longer exist; or

(C) the municipality or county no longer requires state government assistance to supplement the response and recovery efforts of the municipality or county;

(ii) 30 days after the day on which the chief executive officer declares the state of emergency; or

(iii) the day on which the legislative body of the municipality or county terminates the state of emergency by majority vote.

(b)

(i)

(A) The legislative body of a municipality may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the municipality.

(B) The legislative body of a county may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the county.

(ii) The legislative body of a municipality or county may by majority vote extend a state of emergency for a time period stated in the motion.

(iii) If the legislative body of a municipality or county extends a state of emergency in accordance with this subsection, the state of emergency expires on the date designated by the legislative body in the motion.

(iv) An action by a legislative body of a municipality or county to terminate a state of emergency as described in this Subsection (6)(b) is not subject to veto by the relevant chief executive officer.

(c) Except as provided in Subsection (7), after a state of emergency expires in accordance with this Subsection (6), the chief executive officer may not declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency.

(7)

(a) After a state of emergency expires in accordance with Subsection (6), the chief executive officer may declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, if the chief executive officer finds that exigent circumstances exist.

(b) A state of emergency declared in accordance with Subsection (7)(a) expires in accordance with Subsections (6)(a) and (b).

(c) After a state of emergency declared in accordance with Subsection (7)(a) expires, the chief executive officer may not declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, regardless of whether exigent circumstances exist.

Amended by Chapter 438, 2024 General Session

**53-2a-209 Orders, rules, and regulations having force of law -- Filing requirements -- Suspension of state agency rules -- Suspension of enforcement of certain statutes during a state of emergency.**

(1) Subject to Section 53-2a-216, all orders, rules, and regulations promulgated by the governor, a municipality, a county, or other agency authorized by this part to make orders, rules, and regulations, not in conflict with existing laws except as specifically provided in this section, shall have the full force and effect of law during the state of emergency.

(2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be filed as soon as practicable with:

(a) the Office of Administrative Rules, if issued by the governor or a state agency; or

(b) the office of the clerk of the municipality or county, if issued by the chief executive officer of a municipality or county.

(3) The governor may suspend the provisions of any order, rule, or regulation of any state agency, if the strict compliance with the provisions of the order, rule, or regulation would substantially prevent, hinder, or delay necessary action in coping with the emergency or disaster.
(4)
(a) Except as provided in Subsection (4)(b) and subject to Subsections (4)(c) and (d), the governor may by executive order suspend the enforcement of a statute if:
(i) the governor declares a state of emergency in accordance with Section 53-2a-206;
(ii) the governor determines that suspending the enforcement of the statute is:
(A) directly related to the state of emergency described in Subsection (4)(a)(i); and
(B) necessary to address the state of emergency described in Subsection (4)(a)(i);
(iii) the executive order:
(A) describes how the suspension of the enforcement of the statute is:
(I) directly related to the state of emergency described in Subsection (4)(a)(i); and
(II) necessary to address the state of emergency described in Subsection (4)(a)(i); and
(B) provides the citation of the statute that is the subject of suspended enforcement;
(iv) the governor acts in good faith;
(v) the governor provides notice of the suspension of the enforcement of the statute to the speaker of the House of Representatives and the president of the Senate no later than 24 hours after suspending the enforcement of the statute; and
(vi) the governor makes the report required by Section 53-2a-210.
(b)
(i) Except as provided in Subsection (4)(b)(ii), the governor may not suspend the enforcement of a criminal penalty created in statute.
(ii) The governor may suspend the enforcement of a misdemeanor or infraction if:
(A) the misdemeanor or infraction relates to food, health, or transportation; and
(B) the requirements of Subsection (4)(a) are met.
(c) A suspension described in this Subsection (4) terminates no later than the date the governor terminates the state of emergency in accordance with Section 53-2a-206 to which the suspension relates.
(d) The governor:
(i) shall provide the notice required by Subsection (4)(a)(v) using the best available method under the circumstances as determined by the governor;
(ii) may provide the notice required by Subsection (4)(a)(v) in electronic format; and
(iii) shall provide the notice in written form, if practicable.
(e) If circumstances prevent the governor from providing notice to the speaker of the House of Representatives or the president of the Senate, notice shall be provided in the best available method to the presiding member of the respective body as is reasonable.

Amended by Chapter 437, 2021 General Session

**53-2a-210 Reporting on the suspension or modification of certain statutes or rules or the suspension of the enforcement of a statute.**
(1) The governor and the Department of Public Safety shall report the following to the Legislative Management Committee:
(a) a suspension or modification of a statute or rule under Subsection 53-2a-204(1)(j); or
(b) a suspension of the enforcement of a statute under Subsection 53-2a-209(3).
(2) The governor and the Department of Public Safety shall make the report required by this section on or before the sooner of:

(a) the day on which the governor calls the Legislature into session; or
(b) seven days after the date the governor declares the state of emergency to which the suspension or modification relates.
(3) The Legislative Management Committee shall review the suspension or modification of a statute or rule or the suspension of the enforcement of a statute described in Subsection (1) and may:
(a) recommend:
(i) that the governor continue the suspension or modification of the statute or rule or the suspension of the enforcement of the statute; and
(ii) the length of the suspension or modification of the statute or rule or the suspension of the enforcement of the statute;
(b) recommend that the governor terminate the suspension or modification of the statute or rule or the suspension of the enforcement of the statute; or
(c) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the suspension or modification of the statute or rule or the suspension of the enforcement of the statute.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-211 Acquisition of property for public use -- Compensation of owners.**
(1)
(a) Upon proclamation of a state of emergency, the governor may purchase or lease public or private property for public use including:
(i) food and medical supplies;
(ii) clothing;
(iii) shelter;
(iv) means of transportation;
(v) fuels;
(vi) oils; or
(vii) buildings or lands.
(b) The governor may not purchase private home storage nor privately owned arms.
(2)
(a) The governor may use property purchased under authority of this section for any purpose to meet the needs of an emergency, including its use to relieve want, distress, and disease.
(b) Any property used by the governor to meet the needs of an emergency is a public use.
(3)
(a) The governor shall compensate the owner of property taken or used under authority of this section by complying with the procedures established in Title 78B, Chapter 6, Part 5, Eminent Domain.
(b) The governor shall pay for those purchases or leases from the funds available to the Division of Emergency Management under:
(i) this part; or
(ii) Title 53, Chapter 2a, Part 6, Disaster Recovery Funding Act, to the extent provided for in that part.
(4) Nothing in this section applies to or authorizes compensation for the destruction or damage of standing timber or other property in order to provide a fire break or to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-212 Interstate agreements authorized -- Termination -- Mutual-aid compacts between subdivisions.**

(1) The governor is authorized to execute an interstate agreement or compact on behalf of this state with any other state or states only consistent with the powers herein granted concerning matters relating to a disaster affecting or likely to affect this state.
(2) The agreement or compact shall continue in force and remain binding on each party state until the Legislature or the governor of a party state takes action to withdraw. The action is not effective until 30 days after notice thereof has been sent by the governor of such party state desiring to withdraw to the governors of all other party states.
(3) Political subdivisions are authorized to enter into mutual-aid compacts with other political subdivisions within the state of Utah concerning matters involving cooperative disaster response and recovery assistance support, consistent with this chapter.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-213 Authority additional to other emergency authority.**

(1) The special disaster emergency authority vested in the governor and political subdivisions of the state pursuant to this part shall be in addition to, and not in lieu of, any other emergency authority otherwise constitutionally or statutorily vested in the governor and political subdivisions of the state.
(2) The provisions of this chapter supersede and preempt any provision of law of a political subdivision of the state pertaining to disaster and emergency response.

Amended by Chapter 39, 2022 General Session

**53-2a-214 Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency.**

(1) As used in this section:
  (a)
    (i) "Confiscate" means for an individual in Utah to intentionally deprive another of a privately owned firearm.
    (ii) "Confiscate" does not include the taking of a firearm from an individual:
      (A) in self-defense;
      (B) possessing a firearm while the individual is committing a felony or misdemeanor; or
      (C) who may not, under state or federal law, possess the firearm.
  (b) "Firearm" has the same meaning as defined in Section 76-11-101.
(2) During a declared state of emergency or local emergency under this part:
  (a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions, which were not in force before the declared state of emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition; and
  (b) an individual, while acting or purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately owned firearm of another individual.
(3) A law or regulation passed during a declared state of emergency that does not relate specifically to the lawful possession or use of a firearm and that has attached criminal penalties

may not be used to justify the confiscation of a firearm from an individual acting in defense of self, property, or others when on:

(a) the individual's private property; or

(b) the private property of another as an invitee.

(4)

(a) An individual who has a firearm confiscated in violation of Subsection (2) may bring a civil action in a court having the appropriate jurisdiction:

(i) for damages, in the maximum amount of $10,000, against a person who violates Subsection (2);

(ii) for a civil penalty, in the amount of $5,000 per violation, against a person who violates Subsection (2); and

(iii) for return of the confiscated firearm.

(b) As used in this Subsection (4), "person" means an individual, the governmental entity on whose behalf the individual is acting or purporting to act, or both the individual and the governmental entity.

(5)

(a) A law enforcement officer is not subject to disciplinary action for refusing to confiscate a firearm under this section if:

(i) ordered or directed to do so by a superior officer; and

(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.

(b) For purposes of this Subsection (5), disciplinary action might include:

(i) dismissal, suspension, or demotion;

(ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and

(iii) any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.

(6)

(a) If a law enforcement officer commits a violation of this section, the officer's liability in an action brought under Subsection (4)(a) is limited to 5% of the damages and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.

(b) The court shall assess the balance of the damages and civil penalty, the remaining 95%, against the superior officer or authority who ordered or directed the confiscation in violation of this section.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-2a-215 Requirements for long-term emergency response -- Notice.**

(1)

(a)

(i) Except as provided in Subsection (2), and in accordance with Subsection (1)(b), during a long-term state of emergency, the governor may not take an executive action in response to the emergency until the governor has provided notice of the proposed action to the legislative emergency response committee no later than 24 hours before the governor issues the executive action.

(ii) The governor:

(A) shall provide the notice required by Subsection (1)(a)(i) using the best available method under the circumstances as determined by the governor;
(B) may provide the notice required by Subsection (1)(a)(i) in electronic format; and
(C) shall provide the notice in written form, if practicable.
(b) Except for any conflicting provision in this section, the governor shall comply with the requirements of this chapter to take an executive action in response to a long-term emergency.
(c) If the governor takes executive action in response to a long-term emergency as described in this Subsection (1), the governor is not required to provide:
(i) the notice described in Subsection 53-2a-209(4)(a)(v); or
(ii) the report described in Section 53-2a-210.
(2)
(a) The governor may take executive action in response during a long-term emergency without complying with Subsection (1) only if the governor finds that:
(i) there is an imminent threat of serious bodily injury, loss of life, or substantial harm to property; and
(ii) compliance with Subsection (1) would increase the threat of serious bodily injury, loss of life, or substantial harm to property.
(b) If the governor takes executive action in response to a long-term emergency without complying with the requirements of Subsection (1)(a), the governor shall provide in the executive action an explanation why the requirements of Subsection (1)(a) were not met.
(3) This section supersedes any conflicting provisions of Utah law.
(4) Notwithstanding any other provision of law, the governor may not suspend the application or enforcement of this section.

Amended by Chapter 437, 2021 General Session

**53-2a-216 Termination of an executive action or directive.**
(1) The Legislature may at any time terminate by joint resolution:
(a) an order, a rule, ordinance, or action by a chief executive officer of a county or municipality as described in Section 53-2a-205 in response to a state of emergency that has been in effect for more than 30 days;
(b) a local declaration of emergency described in Section 53-2a-208 that has been in effect for more than 30 days;
(c) an order, a rule, or a regulation made by the governor, a municipality, county, or other agency as described in Section 53-2a-209;
(d) an action by the governor to suspend the enforcement of a statute as described in Subsection 53-2a-209(4); or
(e) an executive action as described in Section 53-2a-215.
(2) Notwithstanding any other provision of law, the governor may not suspend the application or enforcement of this section.

Amended by Chapter 437, 2021 General Session

**53-2a-218 Legislative Emergency Response Committee.**
(1) There is created an ad hoc committee known as the Legislative Emergency Response Committee.
(2)

(a) The committee membership includes:
(i) the same membership as the Executive Appropriations Committee as constituted at the time the committee is convened;
(ii) between four and six additional members designated by the speaker of the House of Representatives, chosen from the following:
(A) one or more members of the House of Representatives that serve as chair or vice-chair of a legislative committee with a subject matter focus relevant to the current emergency;
(B) one or more members of the House of Representatives with relevant expertise or experience relevant to the current emergency; or
(C) one or more members of the House of Representatives from a minority party that serves on a relevant legislative committee or that has expertise and experience relevant to the current emergency; and
(iii) between four and six additional members designated by the president of the Senate, chosen from the following:
(A) one or more members of the Senate that serve as chair or vice-chair of a legislative committee with a subject matter focus relevant to the current emergency;
(B) one or more members of the Senate with relevant expertise or experience relevant to the current emergency; or
(C) one or more members of the Senate from a minority party that serves on a relevant legislative committee or that has expertise and experience relevant to the current emergency.
(b) The speaker of the House of Representatives and the president of the Senate shall coordinate to ensure they each appoint the same number of legislators as described under Subsections (2)(a)(ii) and (iii).
(3) The speaker of the House of Representatives and the president of the Senate shall serve as chairs of the committee.
(4) The Office of Legislative Research and General Counsel shall provide staff support to the committee.
(5)
(a) If the governor declares a state of emergency as described in this chapter, and the governor finds that the emergency conditions warrant an extension of the state of emergency beyond the 30-day term or another date designated by the Legislature as described in Section 53-2a-206, the governor shall provide written notice to the speaker of the House of Representatives and the president of the Senate at least 10 days before the expiration of the state of emergency.
(b) If the speaker of the House of Representatives and the president of the Senate receive notice as described in Subsection (5)(a) for a state of emergency within the first 30 days from the initial declaration of the state of emergency, or from the Department of Health and Human Services as described in Section 26B-7-317, or from a local health department as described in Section 26A-1-121, the speaker of the House of Representatives and the president of the Senate:
(i) shall poll the members of their respective bodies to determine whether the Legislature will extend the state of emergency; and
(ii) may jointly convene the committee.
(c) If the speaker of the House of Representatives and the president of the Senate receive notice as described in Subsection (5)(a) for a state of emergency that has been extended beyond 30 days from the initial declaration of a state of emergency, the speaker of the House of Representatives and the president of the Senate shall jointly convene the committee.

(6) If the committee is convened as described in Subsection (5), the committee shall conduct a public meeting to:
(a) discuss the nature of the emergency and conditions of the emergency;
(b) evaluate options for emergency response;
(c) receive testimony from individuals with expertise relevant to the current emergency;
(d) receive testimony from members of the public; and
(e) provide a recommendation to the Legislature whether to extend the state of emergency by joint resolution.

Amended by Chapter 328, 2023 General Session

**53-2a-219 Religious practice during a state of emergency.**
(1) During a state of emergency declared as described in this chapter:
(a) the governor or chief executive officer of a political subdivision may not impose a restriction on a religious gathering that is more restrictive than a restriction on any other relevantly similar gathering; and
(b) an individual, while acting or purporting to act within the course and scope of the individual's official government capacity, may not:
(i) prevent a religious gathering that is held in a manner consistent with any order or restriction issued pursuant to this part; or
(ii) impose a penalty for a previous religious gathering that was held in a manner consistent with any order or restriction issued pursuant to this part.
(2) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent the violation of this section.
(3) During a state of emergency declared as described in this title, the governor or the chief executive of a political subdivision shall not issue an executive order or impose or implement a regulation that substantially burdens an individual's exercise of religion unless the governor or chief executive officer of the political subdivision demonstrates that the application of the burden to the individual:
(a) is in furtherance of a compelling government interest; and
(b) is the least restrictive means of furthering that compelling government interest.
(4) Notwithstanding Subsections (1) and (3), an executive order shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

Enacted by Chapter 437, 2021 General Session

**53-2a-221 State and local disaster response personnel.**
(1) As used in this section:
(a) "Local disaster response personnel" means a local government employee who, in accordance with this section, is reassigned duties in order to respond to a disaster.
(b) "Local government" means a municipality or county.
(c) "State agency" means any department or unit of Utah state government with authority to employ personnel.
(d) "State disaster response personnel" means an employee of a state agency or local government who, in accordance with this section, is reassigned duties in order to respond to a disaster.
(2)

(a) If the governor declares a state of emergency under Section 53-2a-206, an employee of a state agency is, subject to Subsection (6), a state disaster response personnel for the duration of the declared state of emergency.

(b) If a chief executive officer of a municipality or county declares a local emergency under Section 53-2a-208, an employee of the municipality or county, respectively, is, subject to Subsection (6), a local disaster response personnel for the duration of the declared state of emergency.

(3)

(a) During a state emergency, a state disaster response personnel shall perform duties as assigned in accordance with an emergency operations plan adopted by the division under Section 53-2a-104.

(b) During a local emergency, a local disaster response personnel shall perform duties as assigned in accordance with an emergency operations plan adopted by a county or municipality under Section 53-2a-1403.

(4) After a declaration of emergency as described in Subsection (2)(a) or (2)(b), the governor or chief officer may activate state or local disaster response personnel to report to work immediately.

(5)

(a) Notwithstanding Subsection (4), a state or local disaster response personnel may check on the security of the state or local disaster response personnel's immediate family before reporting to work.

(b) A plan described in Subsection (3)(a) or (3)(b) shall exempt a state agency or local government employee from acting as a state or local disaster response personnel, respectively, if:

(i) the employee's immediate family is in imminent danger because of the disaster; or

(ii) the employee's health precludes the employee from performing the duties otherwise assigned to that employee in accordance with the plan.

(c) An employee described in Subsection (5)(b)(i) or (5)(b)(ii) is exempt only for the duration of the time the employee's immediate family is in imminent danger or the underlying cause of the employee's health concern exists.

(6) An employee shall perform his or her assigned state or local disaster response personnel duties only for the duration of the declared state or local emergency, respectively, or until the disaster response duties are no longer needed, whichever occurs first.

(7) A state or local disaster response personnel may not be assigned to perform duties:

(a) that are technical in nature unless the state or local disaster response personnel is trained to perform those duties; or

(b) that the state or local disaster response personnel is physically not capable of performing.

(8) A state or local disaster response personnel may be relocated as necessary to respond to the disaster but only for the duration of the declared emergency.

(9) A state agency or local government:

(a) may not decrease a state or local disaster response personnel's pay only because the state or local disaster response personnel is performing duties as assigned during the emergency;

(b) at the state agency's or local government's discretion, may increase a state or local disaster response personnel's pay; and

(c) shall reimburse a state or local disaster response personnel for incidentals incurred, including any relocation expenses, while the employee is performing his or her duties as a state or local disaster response personnel.

Enacted by Chapter 38, 2022 General Session

**53-2a-222 Control of local food.**

(1) As used in this section, "local food" means the same as that term is defined in Section 4-1-109.

(2) Subject to the provisions of Title 13, Chapter 41, Price Controls During Emergencies Act, the governor, an executive branch agency, or a political subdivision may not control the distribution or sale price of local food in response to a state of emergency or local emergency.

Enacted by Chapter 152, 2024 General Session

## Part 3
## Statewide Mutual Aid Act

**53-2a-301 Title.**

This part is known as the "Statewide Mutual Aid Act."

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-302 Definitions.**

As used in this part:

(1) "Emergency responder":

(a) means a person in the public or private sector:

(i) who has special skills, qualification, training, knowledge, or experience, whether or not possessing a license, certificate, permit, or other official recognition for the skills, qualification, training, knowledge, or experience, that would benefit a participating political subdivision in responding to a locally declared emergency or in an authorized drill or exercise; and

(ii) whom a participating political subdivision requests or authorizes to assist in responding to a locally declared emergency or in an authorized drill or exercise; and

(b) includes:

(i) a law enforcement officer;

(ii) a firefighter;

(iii) an emergency medical services worker;

(iv) a physician, physician assistant, nurse, or other public health worker;

(v) an emergency management official;

(vi) a public works worker;

(vii) a building inspector;

(viii) an architect, engineer, or other design professional; or

(ix) a person with specialized equipment operations skills or training or with any other skills needed to provide aid in a declared emergency.

(2) "Participating political subdivision" means each county, municipality, public safety district, and public safety interlocal entity that has not adopted a resolution under Section 53-2a-306 withdrawing itself from the statewide mutual aid system.

(3) "Public safety district" means a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, that provides public safety service.

(4) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act, that provides public safety service.
(5) "Public safety service" means a service provided to the public to protect life and property and includes fire protection, police protection, emergency medical service, and hazardous material response service.
(6) "Requesting political subdivision" means a participating political subdivision that requests emergency assistance under Section 53-2a-207 from one or more other participating political subdivisions.
(7) "Responding political subdivision" means a participating political subdivision that responds to a request under Section 53-2a-307 from a requesting political subdivision.
(8) "State" means the state of Utah.
(9) "Statewide mutual aid system" or "system" means the aggregate of all participating political subdivisions and the state.

Amended by Chapter 16, 2023 General Session

**53-2a-304 Withdrawal from the statewide mutual aid system.**

A county, municipality, public safety district, or public safety interlocal entity may withdraw from the statewide mutual aid system by:
(1) enacting a resolution declaring that it elects not to participate in the system; and
(2) delivering a copy of the resolution to the director.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-305 Agreements not affected by this part.**

Nothing in this part may be construed:
(1) to limit the state, a county, municipality, special district, special service district, or interlocal entity from entering into an agreement allowed by law for public safety and related purposes; or
(2) to affect an agreement to which the state, a county, municipality, special district, special service district, or interlocal entity is a party.

Amended by Chapter 16, 2023 General Session

**53-2a-306 Duties of the Division of Emergency Management and participating political subdivisions.**

(1) The division shall:
  (a) receive and maintain an inventory of the state and local services, equipment, supplies, personnel, and other resources related to participation in Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact, and this part; and
  (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to prepare and coordinate a process and plans so that the division may assist political subdivisions that are acting as agents of the state in mobilizing or demobilizing available assets in response to an intrastate or interstate disaster as provided in Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.
(2) Each participating political subdivision in the Statewide Mutual Aid Act shall:
  (a) identify potential hazards that could affect the participating political subdivision;

(b) conduct joint planning, intelligence sharing, and threat assessment development with contiguous participating political subdivisions and conduct joint training with them at least biennially;
(c) identify and inventory the services, equipment, supplies, personnel, and other resources related to participating political subdivision's planning, prevention, mitigation, response, and recovery activities; and
(d) adopt and implement the standardized incident management system approved by the division.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-307 Requests for disaster assistance or assistance with an authorized drill or exercise.**

(1) The state or a participating political subdivision may request another participating political subdivision to assist:
(a) in preventing, mitigating, responding to, or recovering from a disaster, if the requesting political subdivision declares a local emergency or the state has declared a state of emergency; or
(b) with a drill or exercise that the state or requesting political subdivision has authorized.
(2) Each request under Subsection (1) shall be:
(a) made by the chief executive officer of the state or participating political subdivision or the officer's designee; and
(b) reported as soon as practical to the director.
(3)
(a) A request under Subsection (1) may be communicated orally or in writing.
(b) Each request communicated orally shall be reduced to writing and delivered to the other participating political subdivision:
(i) as soon as practical; or
(ii) within the number of days specified by the director.
(4) In responding to a request under Subsection (1), a responding political subdivision may:
(a) donate assets of any kind to a requesting political subdivision; and
(b) withhold its resources to the extent necessary to provide reasonable protection and services for its own residents.
(5) The emergency response personnel, equipment, and other assets of a responding political subdivision or the state shall be under the operational control of the incident management system of the state or requesting political subdivision, except to the extent that the exercise of operational control would result in a violation of a policy, standard, procedure, or protocol of the responding political subdivision or of the state.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-308 Reimbursement -- Resolving reimbursement disputes.**

(1)
(a) Each requesting political subdivision shall reimburse each responding political subdivision providing assistance to the requesting political subdivision for any loss or damage suffered or expense or cost incurred by a responding political subdivision in the operation of equipment or in providing a service in response to a request under Section 53-2a-307.
(b) Notwithstanding Subsection (1)(a), a responding political subdivision may, in its discretion:

(i) assume some or all of the loss, damage, expense, or cost; or
(ii) loan equipment or donate services to the requesting political subdivision without charge.
(2)
(a) A responding political subdivision may request reimbursement from a requesting political subdivision for the costs of providing disaster relief assistance.
(b) Each request for reimbursement shall comply with the procedures and criteria developed by the committee.
(3) If a dispute concerning reimbursement arises between a requesting political subdivision and a responding political subdivision:
(a) the requesting political subdivision and responding political subdivision shall make every effort to resolve the dispute within 30 days after either provides written notice to the other of the other's noncompliance with applicable procedures or criteria; and
(b) if the dispute is not resolved within 90 days after the notice under Subsection (3)(a), either party may submit the dispute to the committee, whose decision shall be final.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-309 Personnel responding to requests for assistance.**
(1) Each person or entity holding a license, certificate, or other permit evidencing qualification in a professional, mechanical, or other skill and responding to a request from a requesting political subdivision shall, while providing assistance during a declared emergency or during an authorized drill or exercise, be considered to be licensed, certified, or permitted in the requesting political subdivision, except as limited by the chief executive officer of the requesting political subdivision.
(2) Each law enforcement officer rendering aid as provided in this part under the authority of a state of emergency declared by the governor, whether inside or outside the officer's jurisdiction, has all law enforcement powers and the same privileges and immunities that the officer has in the officer's own jurisdiction.
(3) Each employee of a responding political subdivision responding to a request by or giving assistance to a requesting political subdivision or the state as provided in this part:
(a) is entitled to:
(i) all applicable workers compensation benefits for injury or death occurring as a result of the employee's participation in the response or assistance; and
(ii) any additional state or federal benefits available for line of duty injury or death; and
(b) is, for purposes of liability, considered to be an employee of the requesting political subdivision.
(4) Each responding political subdivision and its employees are immune from liability arising out of their actions in responding to a request from a requesting political subdivision to the extent provided in Section 63G-7-201.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-310 Severability.**
A court order declaring any provision of this part unconstitutional or invalid may not be construed to affect the validity of any other provision of this part.

Renumbered and Amended by Chapter 295, 2013 General Session

## Part 4
## Emergency Management Assistance Compact

**53-2a-401 Title.**

This part is known as the "Emergency Management Assistance Compact."

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-402 Compact.**

(1) Article I. Purposes and Authorities.

(1) (a) This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this agreement, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

(b) The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

(c) This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' national guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

(2) Article II. General Implementation.

(2) (a) Each party state entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

(b) The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

(c) On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

(3) Article III. Party State Responsibilities.

(3) (a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(i) review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack;

(ii) review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;

(iii) develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

(iv) assist in warning communities adjacent to or crossing the state boundaries;

(v) protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material;

(vi) inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

(vii) provide, to the extent authorized by law, for temporary suspension of any statutes.

(b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(i) a description of the emergency service function for which assistance is needed, such as, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

(ii) the amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed; and

(iii) the specific place and time for staging of the assisting party's response and a point of contact at that location.

(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

(4) Article IV. Limitations.

(4) (a) Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

(b) Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving

assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

(5) Article V. Licenses and Permits.

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

(6) Article VI. Liability.

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

(7) Article VII. Supplementary Agreements.

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

(8) Article VIII. Compensation.

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

(9) Article IX. Reimbursement.

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

(10) Article X. Evacuation.

(10) (a) Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant shall be worked out and maintained between the party states and the emergency management or

services directors of the various jurisdictions where any type of incident requiring evacuations might occur.

(b) Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors.

(c) Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

(11) Article XI. Implementation.

(11) (a) This compact shall become operative immediately upon its enactment into law by any two states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the federal emergency management agency and other appropriate agencies of the United States government.

(12) Article XII. Validity.

This part shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this part and the applicability thereof to other persons and circumstances shall not be affected thereby.

(13) Article XIII. Additional Provisions.

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of Title 18, United States Code.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-403 Authority of governor to join compact.**

The governor of Utah is authorized and directed to execute a compact on behalf of this state with any other state or states joining the Emergency Management Assistance Compact as provided in Section 53-2a-402.

Renumbered and Amended by Chapter 295, 2013 General Session

## Part 5
## Interstate Emergency Responder Mutual Aid Agreement

**53-2a-501 Title.**

This part is known as "Interstate Emergency Responder Mutual Aid Agreement."

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-502 Definitions.**

As used in this part:

(1) "Claim" has the same definition as in the following sections, as applicable:
  (a) Section 6-902, Idaho Code; or
  (b) Section 63G-7-102, Utah Code Annotated.
(2) "Emergency":
  (a) means a situation where it reasonably appears that the life or safety of a person is at peril or real or personal property is at risk of destruction or loss;
  (b) includes disasters, fires, persons who are lost or missing, boats that are sinking or are in danger of sinking, medical situations where care is needed, and transportation of persons by ambulance; and
  (c) is not limited in duration to a discrete period of time.
(3)
  (a) "Emergency responder" means a person whose duties include providing services to protect property or the life or safety of any person and who is:
    (i) employed by a governmental entity of another state;
    (ii) temporarily employed by a governmental entity; or
    (iii) a volunteer who is serving at the request of a governmental entity.
  (b) "Emergency responder" includes:
    (i) law enforcement officers, fire fighters, search and rescue personnel, emergency medical technicians, ambulance personnel, Department of Natural Resources employees, park rangers, public utilities workers, and volunteers participating in search and rescue and other emergency management operations; and
    (ii) persons and parties identified in the interstate mutual aid agreement.
(4) "Interstate mutual aid agreement" means an agreement that establishes procedures for claims against an out-of-state emergency responder, and that:
  (a) is established reciprocally between the Utah Highway Patrol and the Idaho State Police;
  (b) is on file with the Utah Highway Patrol; and
  (c) has a duration of one year from the time the agreement is entered into by Utah and Idaho.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-503 Notice of claim requirements.**

(1) Any claim against an emergency responder or the responder's employer shall be treated for the purpose of a notice of claim as a claim against the state.
(2) The person making the claim shall comply with:
  (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah; and

(b) any notice of claim requirements of the state where the emergency responder resides or is employed as an emergency responder.

(3) The person filing the claim shall provide a copy of the notice of claim with the Idaho secretary of state if the claim is filed in Utah, or with the Utah attorney general if the claim is filed in Idaho.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-504 Emergency responder entering Utah to respond to an emergency.**

An emergency responder who enters into Utah in response to a request for assistance by an official or emergency responder of Utah or pursuant to an agreement providing for interstate mutual aid is considered to be responding to an emergency.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-505 Privileges and immunities of law enforcement officers.**

Any law enforcement officer of another state and the officer's employer are specifically entitled to the application of this part if the law enforcement officer is empowered to act under Section 19-701, Idaho Code, or an interstate mutual aid agreement.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-506 Privileges and immunities of emergency responders.**

(1) An emergency responder from another state who enters into this state has the same authority to act as an emergency responder of this state while:

(a) responding to an emergency, including providing care; or

(b) providing aid or assistance at the request of a public agency in this state.

(2) All privileges and immunities from liability, exemption from law, ordinances, and rules, and any other benefits, which apply to an emergency responder while performing duties in the responder's state of residence or state of employment as a responder, apply when the emergency responder is acting as an emergency responder in this state.

Amended by Chapter 452, 2023 General Session

**53-2a-507 Legislative findings -- Comity with Idaho.**

(1) The Legislature finds, with regard to emergency responders, that:

(a) Title 6, Chapter 9, of the Idaho Code, regarding the governmental immunity laws of Idaho, is consistent with the public policy of Utah; and

(b) based on the legislative finding under Subsection (1)(a), the governmental immunity laws of Idaho apply to any claim, including any lawsuit, brought against an emergency responder, who resides in or is employed as an emergency responder in Idaho, and the emergency responder's employer, based on the emergency responder's actions in Utah when acting as an emergency responder.

(2) The Legislature finds:

(a) the damage caps in the governmental immunity laws of Idaho, although not identical to the damage caps under Section 63G-7-604, Utah Code Annotated, are consistent with the public policy of Utah; and

(b) the damage caps of Idaho apply to any claim, including any lawsuit, brought against an emergency responder, who resides in or is employed as an emergency responder in Idaho,

and the emergency responder's employer, based on the emergency responder's actions in Utah when acting as an emergency responder.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-508 Chapter takes effect when Idaho provisions enacted.**

(1) This chapter takes effect when statutory provisions are enacted by Idaho that are reciprocal to the provisions of this part.
(2) This part remains in effect as long as the statutory provisions enacted by Idaho under Subsection (1) are in effect.

Renumbered and Amended by Chapter 295, 2013 General Session

## Part 6
## Disaster Recovery Funding Act

**53-2a-601 Title.**

This part is known as the "Disaster Recovery Funding Act."

Renumbered and Amended by Chapter 295, 2013 General Session

***Superseded 7/1/2025***

**53-2a-602 Definitions.**

(1) Unless otherwise defined in this section, the terms that are used in this part mean the same as those terms are defined in Part 1, Emergency Management Act.
(2) As used in this part:
  (a) "Agent of the state" means any representative of a state agency, local agency, or non-profit entity that agrees to provide support to a requesting intrastate or interstate government entity that has declared an emergency or disaster and has requested assistance through the division.
  (b) "Declared disaster" means one or more events:
    (i) within the state;
    (ii) that occur within a limited period of time;
    (iii) that involve:
      (A) a significant number of persons being at risk of bodily harm, sickness, or death; or
      (B) a significant portion of real property at risk of loss;
    (iv) that are sudden in nature and generally occur less frequently than every three years; and
    (v) that results in:
      (A) the president of the United States declaring an emergency or major disaster in the state;
      (B) the governor declaring a state of emergency under Part 2 Disaster Response and Recovery Act; or
      (C) the chief executive officer of a local government declaring a local emergency under Part 2, Disaster Response and Recovery Act.
  (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account created in Section 53-2a-603.
  (d)

(i) "Emergency disaster services" means:
(A) evacuation;
(B) shelter;
(C) medical triage;
(D) emergency transportation;
(E) repair of infrastructure;
(F) safety services, including fencing or roadblocks;
(G) sandbagging;
(H) debris removal;
(I) temporary bridges;
(J) procurement and distribution of food, water, or ice;
(K) procurement and deployment of generators;
(L) rescue or recovery;
(M) emergency protective measures; or
(N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as defined by the division by rule, that are generally required in response to a declared disaster.
(ii) "Emergency disaster services" does not include:
(A) emergency preparedness; or
(B) notwithstanding whether or not a county participates in the Wildland Fire Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland Fire Suppression Fund.
(e) "Emergency preparedness" means the following done for the purpose of being prepared for an emergency as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(i) the purchase of equipment;
(ii) the training of personnel; or
(iii) the obtaining of a certification.
(f) "Governing body" means:
(i) for a county, city, or town, the legislative body of the county, city, or town;
(ii) for a special district, the board of trustees of the special district; and
(iii) for a special service district:
(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301.
(g) "Local fund" means a local government disaster fund created in accordance with Section 53-2a-605.
(h) "Local government" means:
(i) a county;
(ii) a city or town; or
(iii) a special district or special service district that:
(A) operates a water system;
(B) provides transportation service;
(C) provides, operates, and maintains correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners;
(D) provides consolidated 911 and emergency dispatch service;
(E) operates an airport; or

(F) operates a sewage system.
(i) "Special district" means the same as that term is defined in Section 17B-1-102.
(j) "Special fund" means a fund other than a general fund of a local government that is created for a special purpose established under the uniform system of budgeting, accounting, and reporting.
(k) "Special service district" means the same as that term is defined in Section 17D-1-102.
(l) "State's prime interest rate" means the average interest rate paid by the state on general obligation bonds issued during the most recent fiscal year in which bonds were sold.

Amended by Chapter 16, 2023 General Session

***Effective 7/1/2025***
**53-2a-602 Definitions.**
(1) Unless otherwise defined in this section, the terms that are used in this part mean the same as those terms are defined in Part 1, Emergency Management Act.
(2) As used in this part:
(a) "Agent of the state" means any representative of a state agency, local agency, or non-profit entity that agrees to provide support to a requesting intrastate or interstate government entity that has declared an emergency or disaster and has requested assistance through the division.
(b) "Declared disaster" means one or more events:
(i) within the state;
(ii) that occur within a limited period of time;
(iii) that involve:
(A) a significant number of persons being at risk of bodily harm, sickness, or death; or
(B) a significant portion of real property at risk of loss;
(iv) that are sudden in nature and generally occur less frequently than every three years; and
(v) that results in:
(A) the president of the United States declaring an emergency or major disaster in the state;
(B) the governor declaring a state of emergency under Part 2 Disaster Response and Recovery Act; or
(C) the chief executive officer of a local government declaring a local emergency under Part 2, Disaster Response and Recovery Act.
(c) "Disaster recovery account" means the State Disaster Recovery Restricted Account created in Section 53-2a-603.
(d)
(i) "Emergency disaster services" means:
(A) evacuation;
(B) shelter;
(C) medical triage;
(D) emergency transportation;
(E) repair of infrastructure;
(F) safety services, including fencing or roadblocks;
(G) sandbagging;
(H) debris removal;
(I) temporary bridges;
(J) procurement and distribution of food, water, or ice;
(K) procurement and deployment of generators;

(L) rescue or recovery;
(M) emergency protective measures; or
(N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as defined by the division by rule, that are generally required in response to a declared disaster.
(ii) "Emergency disaster services" does not include:
(A) emergency preparedness; or
(B) notwithstanding whether a county participates in the Utah Wildfire Fund created in Section 65A-8-217, any fire suppression or presuppression costs that may be paid for from the Utah Wildfire Fund if the county participates in the Utah Wildfire Fund.
(e) "Emergency preparedness" means the following done for the purpose of being prepared for an emergency as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(i) the purchase of equipment;
(ii) the training of personnel; or
(iii) the obtaining of a certification.
(f) "Governing body" means:
(i) for a county, city, or town, the legislative body of the county, city, or town;
(ii) for a special district, the board of trustees of the special district; and
(iii) for a special service district:
(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301.
(g) "Local fund" means a local government disaster fund created in accordance with Section 53-2a-605.
(h) "Local government" means:
(i) a county;
(ii) a city or town; or
(iii) a special district or special service district that:
(A) operates a water system;
(B) provides transportation service;
(C) provides, operates, and maintains correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners;
(D) provides consolidated 911 and emergency dispatch service;
(E) operates an airport; or
(F) operates a sewage system.
(i) "Special district" means the same as that term is defined in Section 17B-1-102.
(j) "Special fund" means a fund other than a general fund of a local government that is created for a special purpose established under the uniform system of budgeting, accounting, and reporting.
(k) "Special service district" means the same as that term is defined in Section 17D-1-102.
(l) "State's prime interest rate" means the average interest rate paid by the state on general obligation bonds issued during the most recent fiscal year in which bonds were sold.

Amended by Chapter 113, 2025 General Session

***Superseded 7/1/2025***
**53-2a-603 State Disaster Recovery Restricted Account.**

(1)
(a) There is created a restricted account in the General Fund known as the "State Disaster Recovery Restricted Account."
(b) The disaster recovery account consists of:
(i) money deposited into the disaster recovery account in accordance with Section 63J-1-314;
(ii) money appropriated to the disaster recovery account by the Legislature; and
(iii) any other public or private money received by the division that is:
(A) given to the division for purposes consistent with this section; and
(B) deposited into the disaster recovery account at the request of:
(I) the division; or
(II) the person or entity giving the money.
(c) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
(2) Money in the disaster recovery account may only be expended or committed to be expended as follows:
(a)
(i) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that does not exceed $3,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster;
(ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds $3,000,000, but does not exceed $10,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if the division:
(A) before making the expenditure or commitment to expend, obtains approval for the expenditure or commitment to expend from the governor;
(B) subject to Subsection (5), provides written notice of the expenditure or commitment to expend to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend; and
(C) makes the report required by Subsection 53-2a-606(2);
(iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds $10,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if, before making the expenditure or commitment to expend, the division:
(A) obtains approval for the expenditure or commitment to expend from the governor; and
(B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in accordance with Subsection 53-2a-606(3);
(iv) in any fiscal year the division may expend or commit to expend an amount that does not exceed $500,000 to fund expenses incurred by the National Guard if:
(A) in accordance with Section 39A-3-103, the governor orders into active service the National Guard in response to a declared disaster; and
(B) the money is not used for expenses that qualify for payment as emergency disaster services; and
(v) in any fiscal year, the division may expend an amount that does not exceed $750,000 to fund expenses incurred to develop or enhance emergency management capabilities if:
(A) the money is used for personnel, equipment, supplies, contracts, training, exercises, or other expenses deemed reasonable and necessary to:

(I) promote and strengthen the state's level of resiliency through mitigation, preparedness, response, or recovery activities; or

(II) meet federal grant matching requirements; and

(B) the disaster recovery account has a balance of funds available to be utilized while maintaining a minimum balance of $5,000,000;

(b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or committed to be expended to fund costs to the state directly related to a declared disaster that are not costs related to:

(i) emergency disaster services;

(ii) emergency preparedness; or

(iii) notwithstanding whether a county participates in the Wildland Fire Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland Fire Suppression Fund;

(c) to fund:

(i) the Local Government Emergency Response Loan Fund created in Section 53-2a-607; and

(ii) the Disaster Response, Recovery, and Mitigation Restricted Account created in Section 53-2a-1302;

(d) the division may provide advanced funding from the disaster recovery account to recognized agents of the state when:

(i) Utah has agreed, through the division, to enact the Emergency Management Assistance Compact with another member state that has requested assistance during a declared disaster;

(ii) Utah agrees to provide resources to the requesting member state;

(iii) the agent of the state who represents the requested resource has no other funding source available at the time of the Emergency Management Assistance Compact request; and

(iv) the disaster recovery account has a balance of funds available to be utilized while maintaining a minimum balance of $5,000,000;

(e) to fund up to $500,000 for the governor's emergency appropriations described in Subsection 63J-1-217(4); and

(f) to pay the state's deductible in the event of an earthquake.

(3) All funding provided in advance to an agent of the state and subsequently reimbursed shall be credited to the account.

(4) The state treasurer shall invest money in the disaster recovery account according to Title 51, Chapter 7, State Money Management Act.

(5)

(a) Except as provided in Subsections (1) and (2), the money in the disaster recovery account may not be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in this section.

(b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the money appropriated from the disaster recovery account is expended or committed to be expended for a purpose other than one listed in this section.

(c) The Legislature may not amend the purposes for which money in the disaster recovery account may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.

(6) The division:

(a) shall provide the notice required by Subsection (2)(a)(ii) using the best available method under the circumstances as determined by the division; and
(b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

Amended by Chapter 89, 2025 General Session
Amended by Chapter 271, 2025 General Session

***Effective 7/1/2025***
**53-2a-603 State Disaster Recovery Restricted Account.**
(1)
(a) There is created a restricted account in the General Fund known as the "State Disaster Recovery Restricted Account."
(b) The disaster recovery account consists of:
(i) money deposited into the disaster recovery account in accordance with Section 63J-1-314;
(ii) money appropriated to the disaster recovery account by the Legislature; and
(iii) any other public or private money received by the division that is:
(A) given to the division for purposes consistent with this section; and
(B) deposited into the disaster recovery account at the request of:
(I) the division; or
(II) the person or entity giving the money.
(c) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
(2) Money in the disaster recovery account may only be expended or committed to be expended as follows:
(a)
(i) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that does not exceed $3,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster;
(ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds $3,000,000, but does not exceed $10,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if the division:
(A) before making the expenditure or commitment to expend, obtains approval for the expenditure or commitment to expend from the governor;
(B) subject to Subsection (5), provides written notice of the expenditure or commitment to expend to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend; and
(C) makes the report required by Subsection 53-2a-606(2);
(iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds $10,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if, before making the expenditure or commitment to expend, the division:
(A) obtains approval for the expenditure or commitment to expend from the governor; and
(B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in accordance with Subsection 53-2a-606(3);

(iv) in any fiscal year the division may expend or commit to expend an amount that does not exceed $500,000 to fund expenses incurred by the National Guard if:
(A) in accordance with Section 39A-3-103, the governor orders into active service the National Guard in response to a declared disaster; and
(B) the money is not used for expenses that qualify for payment as emergency disaster services; and
(v) in any fiscal year, the division may expend an amount that does not exceed $750,000 to fund expenses incurred to develop or enhance emergency management capabilities if:
(A) the money is used for personnel, equipment, supplies, contracts, training, exercises, or other expenses deemed reasonable and necessary to:
(I) promote and strengthen the state's level of resiliency through mitigation, preparedness, response, or recovery activities; or
(II) meet federal grant matching requirements; and
(B) the disaster recovery account has a balance of funds available to be utilized while maintaining a minimum balance of $5,000,000;
(b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or committed to be expended to fund costs to the state directly related to a declared disaster that are not costs related to:
(i) emergency disaster services;
(ii) emergency preparedness; or
(iii) notwithstanding whether a county participates in the Utah Wildfire Fund created in Section 65A-8-217, any fire suppression or presuppression costs that may be paid for from the Utah Wildfire Fund if the county participates in the Utah Wildfire Fund;
(c) to fund:
(i) the Local Government Emergency Response Loan Fund created in Section 53-2a-607; and
(ii) the Disaster Response, Recovery, and Mitigation Restricted Account created in Section 53-2a-1302;
(d) the division may provide advanced funding from the disaster recovery account to recognized agents of the state when:
(i) Utah has agreed, through the division, to enact the Emergency Management Assistance Compact with another member state that has requested assistance during a declared disaster;
(ii) Utah agrees to provide resources to the requesting member state;
(iii) the agent of the state who represents the requested resource has no other funding source available at the time of the Emergency Management Assistance Compact request; and
(iv) the disaster recovery account has a balance of funds available to be utilized while maintaining a minimum balance of $5,000,000;
(e) to fund up to $500,000 for the governor's emergency appropriations described in Subsection 63J-1-217(4); and
(f) to pay the state's deductible in the event of an earthquake.
(3) All funding provided in advance to an agent of the state and subsequently reimbursed shall be credited to the account.
(4) The state treasurer shall invest money in the disaster recovery account according to Title 51, Chapter 7, State Money Management Act.
(5)
(a) Except as provided in Subsections (1) and (2), the money in the disaster recovery account may not be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in this section.

(b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the money appropriated from the disaster recovery account is expended or committed to be expended for a purpose other than one listed in this section.
(c) The Legislature may not amend the purposes for which money in the disaster recovery account may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.
(6) The division:
(a) shall provide the notice required by Subsection (2)(a)(ii) using the best available method under the circumstances as determined by the division; and
(b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

Amended by Chapter 113, 2025 General Session

**53-2a-604 State costs for emergency disaster services.**
(1) Subject to this section and Section 53-2a-603, the division may expend or commit to expend money described in Subsection 53-2a-603(2)(a)(i), (ii), or (iii) to fund costs to the state of emergency disaster services if, at the discretion of the division, the expenditure is necessary in response to the disaster.
(2) Money paid by the division under this section to government entities and private persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah Procurement Code.
(3) If Utah requests and receives a federal disaster declaration, the applicant or sub-applicant agencies approved to receive assistance through federal disaster programs are responsible for any financial match requirements.

Amended by Chapter 83, 2016 General Session

**53-2a-605 Local government disaster funds.**
(1)
(a) Subject to this section and notwithstanding anything to the contrary contained in Title 10, Utah Municipal Code, or Title 17, Counties, Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title 17D, Chapter 1, Special Service District Act, the governing body of a local government may create and maintain by ordinance a special fund known as a local government disaster fund.
(b) The local fund shall consist of:
(i) subject to the limitations of this section, money transferred to it in accordance with Subsection (2);
(ii) any other public or private money received by the local government that is:
(A) given to the local government for purposes consistent with this section; and
(B) deposited into the local fund at the request of:
(I) the governing body of the local government; or
(II) the person giving the money; and
(iii) interest or income realized from the local fund.
(c) Interest or income realized from the local fund shall be deposited into the local fund.
(d) Money in a local fund may be:
(i) deposited or invested as provided in Section 51-7-11; or

(ii) transferred by the local government treasurer to the Public Treasurers' Investment Fund as defined in Section 51-7-3.

(e)

(i) The money in a local fund may accumulate from year to year until the local government governing body determines to spend any money in the local fund for one or more of the purposes specified in Subsection (3).

(ii) Money in a local fund at the end of a fiscal year:

(A) shall remain in the local fund for future use; and

(B) may not be transferred to any other fund or used for any other purpose.

(2) The amounts transferred to a local fund may not exceed 10% of the total estimated revenues of the local government for the current fiscal period that are not restricted or otherwise obligated.

(3) Money in the fund may only be used to fund the services and activities of the local government creating the local fund in response to:

(a) a declared disaster within the boundaries of the local government;

(b) the aftermath of the disaster that gave rise to a declared disaster within the boundaries of the local government; and

(c) subject to Subsection (5), emergency preparedness.

(4)

(a) A local fund is subject to this part and:

(i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, except that:

(A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a budget for the local fund;

(B) Section 10-5-119 addressing termination of special funds does not apply to a local fund; and

(C) the council of the town may not authorize an interfund loan under Section 10-5-120 from the local fund;

(ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, except that:

(A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a budget for the local fund;

(B) Section 10-6-131 addressing termination of special funds does not apply to a local fund; and

(C) the governing body of the city may not authorize an interfund loan under Section 10-6-132 from the local fund;

(iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, except that:

(A) Section 17-36-29 addressing termination of special funds does not apply to a local fund; and

(B) the governing body of the county may not authorize an interfund loan under Section 17-36-30 from the local fund;

(iv) in the case of a special district or special service district, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, except that:

(A) Section 17B-1-625, addressing termination of a special fund, does not apply to a local fund; and

(B) the governing body of the special district or special service district may not authorize an interfund loan under Section 17B-1-626 from the local fund; and

(v) in the case of an interlocal entity, Title 11, Chapter 13, Part 5, Fiscal Procedures for Interlocal Entities, except for the following provisions:
(A) Section 11-13-522 addressing termination of a special fund does not apply to a local fund; and
(B) the governing board of the interlocal entity may not authorize an interfund loan under Section 11-13-523 from the local fund.
(b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the accumulation of money in a local fund do not affect any limits on fund balances, net assets, or the accumulation of retained earnings in any of the following of a local government:
(i) a general fund;
(ii) an enterprise fund;
(iii) an internal service fund; or
(iv) any other fund.
(5)
(a) A local government may not expend during a fiscal year more than 10% of the money budgeted to be deposited into a local fund during that fiscal year for emergency preparedness.
(b) The amount described in Subsection (5)(a) shall be determined before the adoption of the tentative budget.

Amended by Chapter 387, 2024 General Session

**53-2a-606 Reporting.**
(1) By no later than December 31 of each year, the division shall provide a written report to the governor and the Criminal Justice Appropriations Subcommittee of:
(a) the division's activities under this part;
(b) money expended or committed to be expended in accordance with this part;
(c) the balances in the disaster recovery fund; and
(d) any unexpended balance of appropriations from the disaster recovery fund.
(2)
(a) The governor and the Department of Public Safety shall report to the Legislative Management Committee an expenditure or commitment to expend made in accordance with Subsection 53-2a-603(2)(a)(ii), 53-2a-1302(6)(b), or 53-2a-1302(7).
(b) The governor and the Department of Public Safety shall make the report required by this Subsection (2) on or before the sooner of:
(i) the day on which the governor calls the Legislature into session; or
(ii) 15 days after the division makes the expenditure or commitment to expend described in Subsection 53-2a-603(2)(a)(ii), 53-2a-1302(6)(b), or 53-2a-1302(7).
(3)
(a) Subject to Subsection (3)(b), before the division makes an expenditure or commitment to expend described in Subsection 53-2a-603(2)(a)(iii) or 53-2a-1302(6)(c), the governor and the Department of Public Safety shall submit the expenditure or commitment to expend to the Executive Appropriations Committee for the Executive Appropriations Committee's review and recommendations.
(b) The Executive Appropriations Committee shall review the expenditure or commitment to expend and may:
(i) recommend that the division make the expenditure or commitment to expend;
(ii) recommend that the division not make the expenditure or commitment to expend; or

(iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the expenditure or commitment to expend.

Amended by Chapter 89, 2025 General Session
Amended by Chapter 271, 2025 General Session

**53-2a-607 Creation and administration.**

(1)
(a) There is created an enterprise fund known as the Local Government Emergency Response Loan Fund.
(b) The division as defined in Section 53-2a-103 is the administrator of the fund.
(2) The fund consists of:
(a) money appropriated to the fund by the Legislature;
(b) money received for the repayment of loans made from the fund;
(c) interest earned on the fund; and
(d) money deposited into the fund in accordance with Section 63J-1-314.
(3) The money in the fund shall be invested by the state treasurer according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that all interest or other earnings derived from money in the fund shall be deposited into the fund.
(4) Local government entities may apply through the division for a short-term loan from the fund for the purposes provided in Section 53-2a-608, provided that the local government entity:
(a) agrees to the terms of the loan; and
(b) is not in default on any other state loans administered by the Division of Finance or any other state agency.
(5) The division may not loan out:
(a) more than 50% of the total account balance available at the time that a loan request is made by a local government entity; or
(b) an amount that will leave the fund balance at less than $10,000,000.

Enacted by Chapter 134, 2016 General Session

**53-2a-608 Purposes and criteria for loans.**

(1) Money in the fund shall be used by the division, as prioritized by the director, only to:
(a) provide loans to local government entities for:
(i) the costs incurred by a local government entity for providing emergency disaster services as defined in Section 53-2a-602; or
(ii) providing any state or local matching funds to secure federal funds or grants related to a declared disaster, as defined in Section 53-2a-602;
(b) pay the Division of Finance for the costs of administering the fund, providing loans, and obtaining repayments of loans; and
(c) provide funds to state agencies for the costs of responding to a declared disaster.
(2) The division shall establish the terms and conditions of the loans and the repayment schedule consistent with the following criteria:
(a) the interest rate charged and the maximum payback period on all loans shall be:
(i) the state's prime interest rate at the time of loan closing, plus zero percent, with a maximum payback period of 10 years if the applicant has reserved an average of 90% to 100% of the amount authorized in Section 53-2a-605 over the previous five fiscal years;

(ii) the state's prime interest rate at the time of loan closing, plus 2%, with a maximum payback period of five years if the applicant has reserved an average of 70% up to 90% of the amount authorized in Section 53-2a-605 over the previous five fiscal years; or
(iii) the state's prime interest rate at the time of loan closing, plus 4%, with a maximum payback period of three years if the applicant has reserved an average of 50% up to 70% of the amount authorized in Section 53-2a-605 over the previous five fiscal years; and
(b) the division may not authorize a loan from this fund on any terms or conditions to local government entities that have reserved an average of less than 50% of the amount authorized in Section 53-2a-605 over the previous five fiscal years.
(3) If the division receives multiple loan applications concurrently, priority shall be given to applicants based on the extent of their participation in the reserve account authorized in Section 53-2a-605.

Enacted by Chapter 134, 2016 General Session

**53-2a-609 Division to make rules to administer the loan program.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
(1) form, content, and procedure for loan and grant applications;
(2) criteria and procedures for prioritizing loan and grant applications;
(3) requirements and procedures for securing loans and grants;
(4) procedures for making loans;
(5) procedures for administering and ensuring repayment of loans, including late payment penalties; and
(6) procedures for recovering on defaulted loans.

Enacted by Chapter 134, 2016 General Session

## Part 7
## Hazardous Materials Emergency Act

**53-2a-701 Title.**

This part is known as the "Hazardous Materials Emergency Act."

Enacted by Chapter 295, 2013 General Session

**53-2a-702 Hazardous Chemical Emergency Response Commission -- Allocation of responsibilities -- Local planning committees -- Specified federal law considered law of state -- Application to federal agencies and facilities.**

(1)
(a) The commissioner and the executive director of the Department of Environmental Quality, or their respective designees, are designated as the state's Hazardous Chemical Emergency Response Commission for purposes of carrying out all requirements of the federal Emergency Planning and Community Right To Know Act of 1986.
(b) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;
(ii) Section 63A-3-107; and
(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(2) The Department of Public Safety has primary responsibility for all emergency planning activities under the federal Emergency Planning and Community Right To Know Act of 1986, and shall prepare policy and procedure and make rules necessary for implementation of that act in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) The Department of Environmental Quality has primary responsibility for receiving, processing, and managing hazardous chemical information and notifications under the federal Emergency Planning and Community Right To Know Act of 1986, including preparation of policy and procedure, and promulgation of rules necessary for implementation of that act. Funding for this program must be from the appropriation acts.

(4) The Department of Public Safety and the Department of Environmental Quality shall enter into an interagency agreement providing for exchange of information and coordination of their respective duties and responsibilities under this section.

(5)

(a) The Hazardous Chemical Emergency Response Commission shall appoint a local planning committee for each local planning district that it establishes, as required by the federal Emergency Planning and Community Right To Know Act of 1986, and to the extent possible, shall use an existing local governmental organization as the local planning committee.

(b)

(i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(6) Requirements of the federal Emergency Planning and Community Right To Know Act of 1986 pertaining to notification and submission of information are the law of this state, and apply equally to federal agencies, departments, installations, and facilities located in this state, as well as to other facilities that are subject to that act.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-703 Hazardous materials emergency -- Recovery of expenses.**

(1)

(a) The Hazardous Chemical Emergency Response Commission may recover from those persons whose negligent actions caused the hazardous materials emergency, expenses directly associated with a response to a hazardous materials emergency taken under authority of this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, that are incurred by:

(i) a state agency;
(ii) a political subdivision as defined in Section 53-2a-203; or
(iii) an interlocal entity, described in Section 11-13-203, providing emergency services to a political subdivision pursuant to written agreement.

(b) The payment of expenses under this Subsection (1) is not an admission of liability or negligence in any legal action for damages.

(c) The Hazardous Chemical Emergency Response Commission may obtain assistance from the attorney general or a county attorney of the affected jurisdiction to assist in recovering expenses and legal fees.
(d) Any recovered costs shall be deposited in the General Fund as dedicated credits to be used by the division to reimburse an entity described in Subsection (1)(a) for costs incurred by the entity.
(2)
(a) If the cost directly associated with emergency response exceeds all available funds of the division within a given fiscal year, the division, with approval from the governor, may incur a deficit in its line item budget.
(b) The Legislature shall provide a supplemental appropriation in the following year to cover the deficit.
(c) The division shall deposit all costs associated with any emergency response that are collected in subsequent fiscal years into the General Fund.
(3) Any political subdivision may enact local ordinances pursuant to existing statutory or constitutional authority to provide for the recovery of expenses incurred by the political subdivision.

Amended by Chapter 437, 2021 General Session

## Part 8
## Emergency Interim Succession Act

**53-2a-801 Title.**
This part is known as the "Emergency Interim Succession Act."

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-802 Definitions.**
(1)
(a) "Absent" means:
(i) not physically present or not able to be communicated with for 48 hours; or
(ii) for local government officers, as defined by local ordinances.
(b) "Absent" does not include a person who can be communicated with via telephone, radio, or telecommunications.
(2) "Department" means the Department of Government Operations, the Department of Agriculture and Food, the Alcoholic Beverage Services Commission, the Department of Commerce, the Department of Cultural and Community Engagement, the Department of Corrections, the Department of Environmental Quality, the Department of Financial Institutions, the Department of Health and Human Services, the Department of Workforce Services, the Labor Commission, the National Guard, the Department of Insurance, the Department of Natural Resources, the Department of Public Safety, the Public Service Commission, the State Tax Commission, the Department of Transportation, any other major administrative subdivisions of state government, the State Board of Education, the Utah Board of Higher Education, the Utah Housing Corporation, the State Retirement Board, and each institution of higher education within the system of higher education.

(3) "Division" means the Division of Emergency Management established in Title 53, Chapter 2a, Part 1, Emergency Management Act.
(4) "Emergency interim successor" means a person designated by this part to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable.
(5) "Executive director" means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.
(6)
  (a) "Office" includes all state and local offices, the powers and duties of which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.
  (b) "Office" does not include the office of governor or the legislative or judicial offices.
(7) "Place of governance" means the physical location where the powers of an office are being exercised.
(8) "Political subdivision" includes counties, cities, towns, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.
(9) "Political subdivision officer" means a person holding an office in a political subdivision.
(10) "State officer" means the attorney general, the state treasurer, the state auditor, and the executive director of each department.
(11) "Unavailable" means:
  (a) absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions; or
  (b) as otherwise defined by local ordinance.

Amended by Chapter 240, 2024 General Session
Amended by Chapter 438, 2024 General Session

**53-2a-803 Emergency interim successor to office of governor.**
(1) If the governor is unavailable, and if the lieutenant governor, president of the Senate, and the speaker of the House of Representatives are unavailable to exercise the powers and duties of the office of governor, the attorney general, state auditor, or state treasurer shall, in the order named, exercise the powers and duties of the office of governor until:
  (a) the governor, lieutenant governor, president of the Senate, or speaker of the House of Representatives becomes available; or
  (b) a new governor is elected and qualified.
(2) Notwithstanding the provisions of Subsection (1), no emergency interim successor to the lieutenant governor, president of the Senate, speaker of the House of Representatives, attorney general, state auditor, or state treasurer may serve as governor.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-804 Emergency interim successors for state officers.**
(1) By July 1 of each year, each state officer shall:
  (a) designate three qualified emergency interim successors from within the state officer's department who meet the constitutional qualifications for the office, if any;
  (b) specify their order of succession;
  (c) provide a list of those designated successors to the division; and
  (d) notify emergency interim successors within 30 days of designation.

(2)
(a) If any state officer is unavailable following a disaster, and if the state officer's deputy, if any, is also unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the state officer.
(b) An emergency interim successor other than the attorney general, state auditor, or state treasurer shall exercise the state officer's powers and duties only until:
(i) the person exercising the powers and duties of the office of governor appoints a successor to fill the vacancy;
(ii) a permanent successor is appointed or elected and qualified as provided by law; or
(iii) the state officer, the state officer's deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise or resume the exercise of the powers and duties of the office.
(c) An emergency interim successor of the attorney general, state auditor, or state treasurer shall exercise the powers and duties of those offices only until:
(i) a permanent successor is appointed or elected and qualified as provided by law; or
(ii) the attorney general, state auditor, or state treasurer, their deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise or resume the exercise of the powers and duties of the office.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-805 Division to consult with legislative and judicial branch.**

The Division of Emergency Management may consult with the Legislative Management Committee, the Judicial Council, and legislative and judicial staff offices to assist the division in preparing emergency succession plans and procedures.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-806 Place of legislative session.**

(1) If the governor or the governor's interim successor declares a state of emergency or finds that a state of emergency is imminent, and the governor or the interim successor determines that the prescribed place of session is unsafe, the governor may change the place of session to any place in Utah that the governor considers safe and convenient.
(2) Each legislator shall proceed to the place of session as expeditiously as practicable.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-807 Emergency interim successors for local officers.**

(1) By July 1 of each year, each political subdivision shall:
(a) for each officer and the emergency manager described in Part 14, Local Emergency Management Act, designate three emergency interim successors and specify their order of succession;
(b) identify the political subdivision's alerting authority and any individuals authorized to send emergency alerts;
(c) provide a list of those designated successors and individuals to the division; and
(d) have an emergency alert plan in place and provide a copy of the plan to the division.
(2) In the event that a political subdivision does not designate emergency interim successors as required under Subsection (1), the order of succession shall be as follows:

(a) the chief executive officer of the political subdivision;
(b) the chief deputy executive officer of the political subdivision;
(c) the chair of the legislative body of the political subdivision; and
(d) the chief law enforcement officer of the political subdivision.

(3)
(a) Notwithstanding any other provision of law:
(i) if any political subdivision officer or the political subdivision officer's legal deputy, if any, is unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the political subdivision officer; or
(ii) counties may provide by ordinance that one member of the county legislative body may act as the county legislative body if the other members are absent.
(b) An emergency interim successor shall exercise the powers and duties of the office only until:
(i) the vacancy is filled in accordance with the constitution or statutes; or
(ii) the political subdivision officer, the political subdivision officer's deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office.

(4) The legislative bodies of each political subdivision may enact resolutions or ordinances consistent with this part and also provide for emergency interim successors to officers of the political subdivision not governed by this section.

Amended by Chapter 106, 2021 General Session

**53-2a-808 Formalities of taking office.**

(1) At the time that they are appointed as emergency interim successors or special emergency judges, emergency interim successors and special emergency judges shall sign prospectively whatever oath is required to enable them to exercise the powers and duties of the office to which they may succeed.
(2) Notwithstanding any other provision of law, no person is required to comply with any other provision of law relative to taking office as a prerequisite to the exercise of the powers or discharge of the duties of an office to which the person succeeds.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-809 Period in which authority may be exercised.**

(1) Persons authorized to act as governor, emergency interim successors, and special emergency judges shall exercise the powers and duties of the office to which they succeed only when a disaster has occurred.

(2)
(a) Emergency interim successors serve for 30 days after the date the governor or the governor's emergency successor calls the Legislature into special session, unless the unavailability of the elected official ends or an emergency interim successor earlier in the order of succession becomes available before expiration of the 30-day period.
(b) Notwithstanding the provisions of Subsection (2)(a), if the emergency interim successor is serving for a legislator who is killed or resigns, the emergency interim successor shall serve until the legislator's legal replacement is sworn in.

(3) The Legislature, by concurrent resolution, may:

(a) terminate the authority of any or all emergency interim successors and special emergency judges to exercise the powers and duties of their office at any time; and
(b) extend the time during which any or all emergency interim successors and special emergency judges may exercise the powers and duties of their office.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-810 Removal of designees.**

Until the persons designated as emergency interim successors or special emergency judges succeed to the exercise of the powers and duties of an office, they shall serve as emergency interim successors or special emergency judges at the pleasure of the designating authority and may be removed and replaced by the designating authority at any time, with or without cause.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-811 Disputes.**

Except for factual disputes concerning the office of governor, the governor shall adjudicate any dispute concerning a question of fact arising under this part concerning a state officer. The governor's decision is final.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-812 Governor to declare location of emergency seat of government.**

(1) Whenever, due to an emergency resulting from the effects of a disaster, it becomes imprudent, inexpedient, or impossible to conduct the affairs of the state government in Salt Lake City, Utah, the governor shall:
  (a) by proclamation, declare an emergency temporary location for the seat of government in Utah; and
  (b) take whatever action and issue whatever orders are necessary for an orderly transition of the affairs of the state government to that emergency temporary location.
(2) That emergency temporary location shall remain as the seat of government until the Legislature establishes a new location by law, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location.
(3) Local governments may provide, by ordinance, for temporary emergency locations for the seat of government.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-813 Official acts at emergency seat of government -- Validity.**

During the time when the seat of government remains at an emergency location, all official acts required by law to be performed at the seat of government by any officer, agency, department, or authority of this state or local government, including the convening and meeting of the Legislature in regular, extraordinary, or emergency session, shall be as valid and binding as when performed at the normal location of the seat of government.

Renumbered and Amended by Chapter 295, 2013 General Session

## Part 9
## Energy Emergency Plan

**53-2a-901 Title.**

This part is known as the "Energy Emergency Plan."

Enacted by Chapter 295, 2013 General Session

**53-2a-902 Energy emergency plan.**

(1) The division shall develop an energy emergency plan consistent with Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act.

(2) In developing the energy emergency plan, the division shall coordinate with:

(a) the Division of Public Utilities;

(b) the Division of Oil, Gas, and Mining;

(c) the Division of Air Quality; and

(d) the Department of Agriculture and Food with regard to weights and measures.

(3) The energy emergency plan shall:

(a) designate the division as the entity that will coordinate the implementation of the energy emergency plan;

(b) provide for annual review of the energy emergency plan;

(c) provide for cooperation with public utilities and other relevant private sector persons;

(d) provide a procedure for maintaining a current list of contact persons required under the energy emergency plan; and

(e) provide that the energy emergency plan may only be implemented if the governor declares:

(i) a state of emergency as provided in Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; or

(ii) a state of emergency related to energy as provided in Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act.

(4) If an event requires the implementation of the energy emergency plan, the division shall report on that event and the implementation of the energy emergency plan to:

(a) the governor; and

(b) the Public Utilities, Energy, and Technology Interim Committee.

(5) If the energy emergency plan includes a procedure for obtaining information, the energy emergency plan shall incorporate reporting procedures that conform to existing requirements of federal, state, and local regulatory authorities wherever possible.

Amended by Chapter 13, 2016 General Session

## Part 10
## Energy Emergency Powers of the Governor Act

**53-2a-1001 Title.**

This part is known as the "Energy Emergency Powers of the Governor Act."

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1002 Legislative findings and purpose.**

(1) The Legislature finds that the lack of energy resources and other energy resource emergencies may threaten the availability of essential services and transportation and the operation of the economy, jeopardizing the peace, health, safety, and welfare of the people of this state.

(2) The Legislature further finds that it is necessary to provide an orderly procedure for anticipating and responding to energy resource shortages and disruptions and to grant, under conditions prescribed in this part, emergency powers to the governor to order involuntary curtailments in the use of energy resources.

(3) The Legislature further finds and declares that it is the policy of this state to assist the United States in effective management and control of factors and situations as contribute to an emergency affecting or likely to affect this state; to cooperate with other states in matters related to an emergency affecting or likely to affect this state; to meet extraordinary conditions in this state arising out of the crisis by taking steps as are necessary and appropriate; and generally to protect the peace, health, safety, and welfare of the people of this state.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1003 "Energy resources" defined.**

As used in this part, "energy resources" includes electricity, natural gas, gasoline and middle distillates, coal, wood fuels, geothermal sources, radioactive materials, and any other resource yielding energy.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1004 Information-gathering powers -- Subpoena power -- Coordination with other regulatory authorities.**

(1) On a continuing basis the governor may obtain all necessary information from energy resource producers, manufacturers, suppliers, and consumers doing business within, and from political subdivisions in, this state as necessary to determine whether shortages or an emergency will require energy resource conservation measures. This information may include, but shall not be limited to:

(a) sales volumes;

(b) forecasts of energy resource requirements;

(c) from manufacturers, suppliers, and consumers, an inventory of energy resources; and

(d) local distribution patterns of the information described in Subsections (1)(a), (1)(b), and (1)(c).

(2) In obtaining information at any time from energy resource producers, manufacturers, suppliers, or consumers under Subsection (1)(c) and in obtaining any other information under Subsection (1) during a state of emergency proclaimed, the governor may subpoena witnesses, material and relevant books, papers, accounts, records, and memoranda, administer oaths, and cause the depositions of persons residing within or without the state to be taken in the manner prescribed for depositions in civil actions in district courts, to obtain information relevant to energy resources that are the subject of the proclaimed emergency.

(3) In obtaining information under this section the governor shall:

(a) seek to avoid eliciting information already furnished by a person or political subdivision in this state to a federal, state, or local regulatory authority that is available for the governor's study; and

(b) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities wherever possible.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1005 Confidential nature of information preserved -- Relief from subpoena -- Unauthorized disclosure as misdemeanor -- Removal from office.**

(1) Information furnished pursuant to Section 53-2a-1004 and designated by that person as confidential shall be maintained as confidential by the governor and any person who obtains information which the person knows to be confidential under this part. The governor shall not make known in any manner any particulars of such information to persons other than those specified in Subsection (4). No subpoena or judicial order may be issued compelling the governor or any other person to divulge or make known such confidential information, except when relevant to a prosecution for violation of Subsection (5).

(2) Nothing in this section shall prohibit the use of confidential information to prepare statistics or other general data for publication, so presented as to prevent identification of particular persons.

(3) Any person who is served with a subpoena to give testimony orally or in writing, or to produce books, papers, correspondence, memoranda, agreements, or other documents or records pursuant to this part may apply to any district court of this state for protection against abuse or hardship in the manner provided by law.

(4) References to the governor in this section include the governor and any other individuals designated for this purpose in writing by the governor.

(5) Any person who wilfully discloses confidential information in violation of this section is guilty of a class A misdemeanor and, in addition, may be subject to removal from office or immediate dismissal from public employment.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1006 Curtailment of energy use -- Standby priorities -- Restriction on involuntary curtailment.**

In consultation with appropriate federal and state officials and officials of political subdivisions in this state, the governor shall cause to be established, and revised as appropriate, standby priorities for curtailment in the use of energy resources. Involuntary curtailments, however, may be ordered only by means of executive orders issued pursuant to this part.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1007 Proclamation of emergency -- Effective period -- Extension of renewal by Legislature.**

(1)

(a) The governor may issue a proclamation declaring that a state of emergency exists with regard to one or more energy resources if the governor determines that an existing or imminent severe disruption or impending shortage in the supply of one or more energy resources, in this state or elsewhere:

(i) threatens:

(A) the availability of essential services or transportation; or

(B) the operation of the economy; and

(ii) because of the threats described in Subsection (1)(a)(i), jeopardizes the peace, health, safety, and welfare of the people of this state.

(b) The proclamation declaring a state of emergency described in Subsection (1)(a) shall state with specificity the nature of the disruption or shortage in an energy resource.

(c)

(i) Within seven calendar days of the day on which the governor issues a proclamation declaring a state of emergency under this section, the Legislative Management Committee shall:

(A) review the proclamation; and

(B) advise the governor on the proclamation.

(ii) The failure of the Legislative Management Committee to meet as required by Subsection (1)(c)(i) does not affect the validity of the proclamation declaring a state of emergency.

(2)

(a) A proclamation issued under this section, and any order or rule issued as a result of the proclamation shall continue in effect until 60 days from the date of the proclamation of the state of emergency unless the governor rescinds the proclamation and declares the emergency ended prior to the expiration of this 60-day period.

(b) A proclamation issued within 30 days of the expiration of a prior proclamation for the same emergency shall be considered a renewal or extension subject to Subsection (3).

(3) A proclamation may be renewed or extended only by joint resolution of the Legislature.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1008 Curtailment, adjustment, and allocation of energy use by executive orders -- Limitations and considerations in issuance and application.**

(1) Upon issuance of a proclamation pursuant to Section 53-2a-1007, the governor in addition may by executive order:

(a) require reduction in energy resource usage and the application of conservation, prevention of waste, and the salvaging of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, by state agencies and political subdivisions in this state;

(b) direct the establishment by state agencies and political subdivisions in this state of programs necessary to implement and comply with federal energy conservation programs where these programs have not theretofore been so established, including, but not limited to, allocation or rationing of energy resources and the distribution of the state's discretionary allotments;

(c) require involuntary curtailments, adjustments, or allocations in the supply and consumption of energy resources applicable to all suppliers and consumers including, but not limited to, specification of the times and manner in which these resources are supplied or consumed; or

(d) prescribe and direct activities promoting the conservation, prevention of waste, and salvage of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, including, but not limited to, the modification of transportation routes and schedules, or the suspension of weight limits or other restrictions from the transportation of energy resources, to the extent permissible under federal law and regulations.

(2) Any restrictions, curtailments, adjustments, or allocations pursuant to Subsection (1) shall:

(a) be ordered and continue only so long as demonstrably necessary for the maintenance of essential services or transportation, or the continued operation of the economy but no longer than the duration of the proclamation;

(b) be applied as uniformly as practicable within each class of suppliers and consumers and without discrimination within a class; and

(c) give due consideration to the needs of commercial, retail, professional, and service establishments whose normal function is to supply goods or services or both of an essential nature, including, but not limited to, food, lodging, fuel, or medical care facilities during times of the day other than conventional daytime working hours.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1009 Other emergency powers of governor unaffected.**

The powers vested in the governor under this part shall be in addition to, and not in lieu of, any other emergency powers otherwise constitutionally or statutorily vested in the governor.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1010 Existing agencies to be used in implementation.**

The governor shall use, to the extent practicable, existing state boards, commissions, or agencies or officers or employees for the purpose of carrying out the provisions of this part.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1011 Enforcement of orders and rules.**

The governor may apply to any district court for appropriate equitable relief against any person violating or failing to carry out the provisions of this part or any order or rule issued pursuant to this part.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-1012 Rules and regulations -- Approval by Legislature.**

The board, commission, or agency designated by the governor for carrying out the provisions of this part is authorized to promulgate rules and regulations as are necessary for effective administration of this part with approval of the Legislature.

Renumbered and Amended by Chapter 295, 2013 General Session

## Part 11
## Search and Rescue Act

**53-2a-1101 Title.**

This part is known as the "Search and Rescue Act."

Enacted by Chapter 295, 2013 General Session

***Superseded 7/1/2026***

**53-2a-1102 Search and Rescue Financial Assistance Program -- Uses -- Rulemaking -- Distribution.**

(1) As used in this section:

(a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.
(b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.
(c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.
(d) "Program" means the Search and Rescue Financial Assistance Program created within this section.
(e)
(i) "Reimbursable base expenses" means those reasonable expenses incidental to search and rescue activities.
(ii) "Reimbursable base expenses" include:
(A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
(B) replacement and upgrade of search and rescue equipment;
(C) training of search and rescue volunteers;
(D) costs of providing life insurance and workers' compensation benefits for volunteer search and rescue team members under Section 67-20-7.5; and
(E) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.
(iii) "Reimbursable base expenses" do not include any salary or overtime paid to an individual on a regular or permanent payroll, including permanent part-time employees of any agency of the state.
(f) "Rescue" means search services, rescue services, or both search and rescue services.
(2) There is created the Search and Rescue Financial Assistance Program within the division.
(3)
(a) The financial program and the assistance card program shall be funded from the following revenue sources:
(i) any voluntary contributions to the state received for search and rescue operations;
(ii) money received by the state under Subsection (11) and under Sections 23A-4-209, 41-22-34, and 73-18-24;
(iii) money deposited under Section 59-12-103 as a dedicated credit for the sole use of the Search and Rescue Financial Assistance Program;
(iv) contributions deposited in accordance with Section 41-1a-230.7; and
(v) appropriations made to the program by the Legislature.
(b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.
(c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.
(d) Funding for the program is nonlapsing.
(4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:
(a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;
(b) money available in the program; and
(c) rules made under Subsection (7).

(5) Money described in Subsection (3) may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.
(6) The Legislature finds that these funds are for a general and statewide public purpose.
(7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:
(a) specifying the costs that qualify as reimbursable base expenses;
(b) defining the procedures of counties to submit expenses and be reimbursed;
(c) defining a participant in the assistance card program, including:
(i) individuals; and
(ii) families and organized groups who qualify as participants;
(d) defining the procedure for issuing a card to a participant;
(e) defining excluded expenses that may not be reimbursed under the program, including medical expenses;
(f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card Program;
(g) establishing the frequency of review of the fee schedule;
(h) providing for the administration of the program; and
(i) providing a formula to govern the distribution of available money among the counties for uncompensated search and rescue expenses based on:
(i) the total qualifying expenses submitted;
(ii) the number of search and rescue incidents per county population;
(iii) the number of victims that reside outside the county; and
(iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.
(8)
(a) The division shall, in consultation with the Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(9).
(b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.
(9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:
(a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or
(b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.
(10)
(a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.
(b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.
(11)
(a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.
(c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.
(12) The division shall consult with the Division of Outdoor Recreation regarding:
(a) administration of the assistance card program; and
(b) outreach and marketing strategies.
(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Amended by Chapter 277, 2025 General Session
Amended by Chapter 357, 2025 General Session
Amended by Chapter 452, 2025 General Session

***Effective 7/1/2026***
**53-2a-1102 Search and Rescue Financial Assistance Program -- Uses -- Rulemaking -- Distribution.**
(1) As used in this section:
(a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.
(b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.
(c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.
(d) "Program" means the Search and Rescue Financial Assistance Program created within this section.
(e)
(i) "Reimbursable base expenses" means those reasonable expenses incidental to search and rescue activities.
(ii) "Reimbursable base expenses" include:
(A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
(B) replacement and upgrade of search and rescue equipment;
(C) training of search and rescue volunteers;
(D) costs of providing life insurance and workers' compensation benefits for volunteer search and rescue team members under Section 67-20-7.5; and
(E) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.
(iii) "Reimbursable base expenses" do not include any salary or overtime paid to an individual on a regular or permanent payroll, including permanent part-time employees of any agency of the state.
(f) "Rescue" means search services, rescue services, or both search and rescue services.
(2) There is created the Search and Rescue Financial Assistance Program within the division.
(3)
(a) The financial program and the assistance card program shall be funded from the following revenue sources:
(i) any voluntary contributions to the state received for search and rescue operations;

(ii) money received by the state under Subsection (11) and under Sections 23A-4-209, 41-22-34, and 73-18-24;
(iii) money deposited under Section 59-12-103 as a dedicated credit for the sole use of the Search and Rescue Financial Assistance Program;
(iv) contributions deposited in accordance with Section 41-1a-230.7; and
(v) appropriations made to the program by the Legislature.
(b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.
(c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.
(d) Funding for the program is nonlapsing.
(4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:
(a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;
(b) money available in the program; and
(c) rules made under Subsection (7).
(5) Money described in Subsection (3) may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.
(6) The Legislature finds that these funds are for a general and statewide public purpose.
(7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:
(a) specifying the costs that qualify as reimbursable base expenses;
(b) defining the procedures of counties to submit expenses and be reimbursed;
(c) defining a participant in the assistance card program, including:
(i) individuals; and
(ii) families and organized groups who qualify as participants;
(d) defining the procedure for issuing a card to a participant;
(e) defining excluded expenses that may not be reimbursed under the program, including medical expenses;
(f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card Program;
(g) establishing the frequency of review of the fee schedule;
(h) providing for the administration of the program; and
(i) providing a formula to govern the distribution of available money among the counties for uncompensated search and rescue expenses based on:
(i) the total qualifying expenses submitted;
(ii) the number of search and rescue incidents per county population;
(iii) the number of victims that reside outside the county; and
(iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.
(8)
(a) The division shall, in consultation with the Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(9).

(b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.

(9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:

(a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or

(b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.

(10)

(a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.

(b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.

(11)

(a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the Division of Outdoor Recreation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Amended by Chapter 285, 2025 General Session

**53-2a-1103 Search and Rescue Advisory Board -- Members -- Compensation.**

(1) There is created the Search and Rescue Advisory Board consisting of seven members appointed as follows:

(a) two representatives designated by the Utah Sheriff's Association, who are members of a voluntary search and rescue unit operating in the state, one of whom is from a county having a population of 75,000 or more; and one from a county having a population of less than 75,000;

(b) three sheriffs designated by the Utah Sheriff's Association, at least one of whom shall be from a county having a population of 75,000 or more, and at least one of whom shall be from a county having a population of less than 75,000;

(c) one representative of the Division of Emergency Management designated by the director; and

(d) one private citizen appointed by the governor with the advice and consent of the Senate.

(2)

(a) The term of each member of the board is four years.

(b) A member may be reappointed to successive terms.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(d) In order to stagger the terms of membership, the members appointed or reappointed to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two years, and all subsequent terms shall be four years.
(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.

Amended by Chapter 352, 2020 General Session

**53-2a-1104 General duties of the Search and Rescue Advisory Board.**

The duties of the Search and Rescue Advisory Board shall include:
(1) conducting a board meeting at least once per quarter;
(2) receiving applications for reimbursement of eligible expenses from county search and rescue operations by the end of the first quarter of each calendar year;
(3) determining the reimbursement to be provided from the Search and Rescue Financial Assistance Program to each applicant;
(4) standardizing the format and maintaining key search and rescue statistical data from each county within the state; and
(5) disbursing funds accrued in the Search and Rescue Financial Assistance Program, created under Section 53-2a-1102, to eligible applicants.

Amended by Chapter 258, 2015 General Session

## Part 12
## Facilitating Business Rapid Response to State Declared Disasters Act

**53-2a-1201 Title.**

This part is known as the "Facilitating Business Rapid Response to State Declared Disasters Act."

Enacted by Chapter 376, 2014 General Session

**53-2a-1202 Definitions.**

As used in this part:
(1) "Declared state disaster or emergency" means a declared disaster as defined in Section 53-2a-602.
(2) "Disaster- or emergency-related work" means repairing, renovating, installing, building, rendering services, or other business activities that relate to infrastructure that has been damaged, impaired, or destroyed by a declared state disaster or emergency.
(3) "Disaster period" means a period that begins within 10 days after the first day of a declared state disaster or emergency and that extends for a period of 60 calendar days after the end of the declared state disaster or emergency.

(4) "Infrastructure" means property and equipment owned or used by communications networks, electric generation systems, transmission and distribution systems, gas distribution systems, water pipelines, and related support facilities that serve multiple customers or citizens, including real and personal property, such as buildings, offices, power and communication lines and poles, pipes, structures, and equipment.
(5) "Out-of-state business" means a business entity that:
(a) has no presence in the state, other than any prior disaster- or emergency-related work, and conducts no business in the state, and whose services are requested by a registered business or by a state or local government for purposes of performing disaster- or emergency-related work in the state; and
(b) has no registration or tax filings or presence sufficient to require the collection or payment of a tax in the state prior to the declared state disaster or emergency.
(6) "Out-of-state employee" means an employee who does not work in the state, except for disaster- or emergency-related work during the disaster period.
(7) "Registered business" means a business entity that is currently registered to do business in the state prior to the declared state disaster or emergency.

Enacted by Chapter 376, 2014 General Session

**53-2a-1203 Business and employee status during disaster period.**
(1) Notwithstanding any other provision, an out-of-state business that conducts operations within the state for purposes of performing work or services related to a declared state disaster or emergency during the disaster period:
(a) is not considered to have established a level of presence that would require that business to be subject to any state licensing or registration requirements, provided that the out-of-state business is in substantial compliance with all applicable regulatory and licensing requirements in its state of domicile, including:
(i) unemployment insurance;
(ii) state or local occupational licensing fees;
(iii) public service commission regulation; or
(iv) state or local licensing or regulatory requirements; and
(b) is exempt from the registration requirements under Title 16, Corporations, Title 42, Names, and Title 48, Unincorporated Business Entity Act; and
(c) shall, within a reasonable time after entry, upon the request of the Labor Commission or the Department of Insurance, confirm that it is in compliance with Subsections 34A-2-406(1)(a), (1)(b), and (2).
(2) Notwithstanding any other provision, an out-of-state employee who performs disaster- or emergency-related work specific to a declared state disaster or emergency during the disaster period is not subject to any state licensing or registration requirements provided that the out-of-state employee is in substantial compliance with all applicable regulatory and licensing requirements in the employee's state of residence or state of employment.
(3)
(a) Income taxation related to an out-of-state employee or an out-of-state business is as provided in:
(i) Title 59, Chapter 7, Corporate Franchise and Income Taxes; and
(ii) Title 59, Chapter 10, Individual Income Tax Act.
(b) Sales and use taxation during a disaster period is as provided in Title 59, Chapter 12, Sales and Use Tax Act.

(c) Any property brought into the state temporarily during the disaster period is not subject to any state or local ad valorem taxes under Title 59, Chapter 2, Property Tax Act.

Enacted by Chapter 376, 2014 General Session

**53-2a-1204 Business or employee activity after disaster period.**

Any out-of-state business or out-of-state employee that remains in the state after the disaster period will become subject to the state's normal standards for establishing presence or residency, or doing business in the state.

Enacted by Chapter 376, 2014 General Session

**53-2a-1205 Administration -- Notification and procedures.**

(1) Any out-of-state business that enters the state shall, within a reasonable time after entry, not to exceed 30 days, provide to the Division of Professional Licensing a statement that it is in the state for purposes of responding to the disaster or emergency, which statement shall include the business's:
  (a) name;
  (b) state of domicile;
  (c) principal business address;
  (d) federal tax identification number;
  (e) date of entry;
  (f) contact information; and
  (g) evidence of compliance with the regulatory or licensing requirements in Section 53-2a-1203, such as a copy of applicable permits or licenses.
(2) Any affiliate of a registered business in the state and any out-of-state business that is registered as a public utility in another state and that is providing assistance under the terms of a utility multistate mutual aid agreement shall not be required to provide the information required in Subsection (1), unless requested by the Division of Professional Licensing within a reasonable period of time.
(3) An out-of-state business or an out-of-state employee that remains in the state after the disaster period shall complete state and local registration, licensing, and filing requirements that establish the requisite business presence or residency in the state.
(4) The Division of Professional Licensing shall:
  (a) make rules necessary to implement Subsection (3);
  (b) develop and provide forms or online processes; and
  (c) maintain and make available an annual report of any designations made pursuant to this section.

Amended by Chapter 415, 2022 General Session

## Part 13
## Disaster Response, Recovery, and Mitigation Restricted Account

**53-2a-1301 Definitions.**

As used in the part:

(1) "Account" means the Disaster Response, Recovery, and Mitigation Restricted Account created in Section 53-2a-1302.
(2) "Affected community" means a community directly affected by an ongoing or recent disaster.
(3) "Affected community member" means a resident, property owner, business, nonprofit, or other individual or entity that is:
  (a) located within an affected community; and
  (b) suffered damage due to the ongoing or recent disaster in the affected community.
(4) "Community" means a county, municipality, special district, or special service district.
(5) "Disaster response and recovery" means:
  (a) action taken to respond to and recover from a disaster, including action taken to remove debris, implement life-saving emergency protective measures, or repair, replace, or restore facilities in response to a disaster; and
  (b) post-disaster hazard mitigation directly related to the recovery from the disaster described in Subsection (5)(a).
(6) "Disaster response and recovery grant" means money granted to an affected community for disaster response and recovery.
(7) "Minimum threshold payment amount" means the amount of costs that an affected community or an affected community member shall pay before the affected community or affected community member is eligible to receive money from a disaster response and recovery grant.
(8) "Official damage assessment" means a financial assessment of the damage to an affected community, caused by a disaster, that is conducted under the direction of the governing body of the affected community, in accordance with the rules described in Section 53-2a-1305.
(9) "Post-disaster hazard mitigation" means action taken after a natural disaster to reduce or eliminate risk to people or property that may occur as a result of the long-term effects of the natural disaster or a subsequent natural disaster, including action to prevent damage caused by flooding, earthquake, dam failure, wildfire, landslide, severe weather, drought, or problem soil.
(10) "Pre-disaster mitigation" means action taken before a natural disaster occurs to reduce or eliminate the long-term risk to people or property that may occur as a result of a natural disaster, including action to prevent damage caused by flooding, earthquake, dam failure, wildfire, landslide, severe weather, drought, or problem soil.

Amended by Chapter 89, 2025 General Session

**53-2a-1302 Disaster Response, Recovery, and Mitigation Restricted Account**
(1) There is created a restricted account in the General Fund known as the "Disaster Response, Recovery, and Mitigation Restricted Account."
(2) The account consists of:
  (a) money appropriated to the account by the Legislature;
  (b) money deposited into the account in accordance with Section 63J-1-314;
  (c) income and interest derived from the deposit and investment of money in the account; and
  (d) private donations, grants, gifts, bequests, or money made available from any other source to implement this section.
(3)
  (a) At the close of a fiscal year, money in the account exceeding $50,000,000, excluding money granted to the account under Subsection (2)(d), shall be transferred to the State Disaster Recovery Restricted Account.
  (b) Except as provided by Subsection (3)(a), money in the Disaster Response, Recovery, and Mitigation Restricted Account may only be used for the purposes set forth in this part.

(4) Subject to the requirements described in this part, and upon appropriation by the Legislature, the division may grant money appropriated from the account to an affected community for the affected community's disaster response and recovery efforts as described in Section 53-2a-1303.

(5) Money in the account may only be expended or committed to be expended as provided in Subsections (6), (7), and (8).

(6) Subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend for disaster response and recovery efforts as described in Section 53-2a-1303:

(a) an amount that does not exceed $3,000,000 in response to a disaster described in Subsection 53-2a-1303(2)(b);

(b) an amount that exceeds $3,000,000 but does not exceed $10,000,000 for a disaster described in Subsection 53-2a-1303(2)(b) if the division:

(i) before making the expenditure or commitment to expend, obtains approval for the expenditure or commitment from the governor;

(ii) provides written notice of the expenditure or commitment to expend to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend; and

(iii) makes the report required by Subsection 53-2a-606(2); and

(c) an amount that exceeds $10,000,000, if, before making the expenditure or commitment to expend, the division:

(i) obtains approval for the expenditure or commitment from the governor; and

(ii) submits the expenditure or commitment to expend to the Executive Appropriations Committee in accordance with Subsection 53-2a-606(3).

(7)

(a) Money in the account may only be expended or committed to be expended for pre-disaster mitigation under Subsection (7)(b) if money remains in the account at the end of the fiscal year after the division has expended or committed to expend money from the account as provided in Subsection (6).

(b) Subject to Subsection (7)(a) and in accordance with rules created under Section 53-2a-1305, the division may expend or commit to expend money in the account for pre-disaster mitigation to a community if:

(i) the community:

(A) submits an application to receive money for pre-disaster mitigation during the current fiscal year; and

(B) meets the qualification and prioritization criteria established by rule; and

(ii) the division:

(A) before making the expenditure or commitment to expend to a community described in Subsection (7)(b)(i), obtains approval for the expenditure or commitment to expend from the governor;

(B) provides written notice of the expenditure or commitment to expend described in Subsection (7)(b)(i) to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative Fiscal Analyst; and

(C) makes the report required by Subsection 53-2a-606(2).

(8) Money paid by the division under this part to government entities and private persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah Procurement Code.

Amended by Chapter 89, 2025 General Session
Amended by Chapter 271, 2025 General Session

**53-2a-1303 Disaster Response and Recovery Grant.**

(1) The division may grant money under Subsection 53-2a-1302(4) appropriated from the account after receiving an application from an affected community for a disaster response and recovery grant.

(2) An affected community is eligible to receive a disaster response and recovery grant appropriated from the account if:

(a) the affected community submits an application described in Subsection (1) that includes the information required by the rules described in Section 53-2a-1305;

(b) the occurrence of a disaster in the affected community results in:

(i) the president of the United States declaring an emergency or major disaster in the state;

(ii) the governor declaring a state of emergency under Section 53-2a-206; or

(iii) the local municipality or county declaring an emergency under Section 53-2a-208;

(c) the governing body of the affected community conducts an official damage assessment of the disaster;

(d) the division, after reviewing the application described in Subsection (2)(a), the official damage assessment described in Subsection (2)(c), and other information relevant to the division's determination, determines that a grant to the affected community would be an appropriate and necessary use of account funds;

(e) the division determines there is sufficient money for the grant; and

(f) the affected community agrees to grant funding requirements as determined by the division, including the affected community's minimum threshold payment amount.

Amended by Chapter 89, 2025 General Session

**53-2a-1304 Allowed uses for disaster response and recovery grant funds.**

(1) An affected community may use or distribute grant funds provided under Section 53-2a-1303 in accordance with funding guidelines provided by the division, which may include providing funds for disaster response and recovery to:

(a) an affected community member;

(b) a publicly owned facility in the affected community; or

(c) publicly owned infrastructure in the affected community.

(2) The director may expend money from the account to pay necessary costs of evaluating and administering grants under this part.

(3) In accordance with Section 53-2a-1305, the division shall establish standards and procedures for the distribution of grant funds under this section, including standards and procedures for determining:

(a) when an individual or entity described in Subsection (1) (a), (b), or (c) may receive grant funds;

(b) which costs are eligible for grant funds, including administration costs; and

(c) minimum threshold payment amounts.

Amended by Chapter 89, 2025 General Session

**53-2a-1305 Rulemaking authority and division responsibilities.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to:
(a) designate the requirements and procedures for the governing body of an affected community to:
(i) apply for a disaster response and recovery grant; and
(ii) conduct an official damage assessment;
(b) establish standards to determine:
(i) the categories of and criteria for entities and costs that are eligible for grant funds; and
(ii) minimum threshold payment amounts;
(c) establish standards, procedures, and criteria for a community to qualify for pre-disaster mitigation funding, including:
(i) defining excluded expenses for which money may not be expended for pre-disaster mitigation;
(ii) establishing criteria for prioritization of projects for money to be expended for pre-disaster mitigation; and
(iii) establishing a process by which a community may apply to receive money for pre-disaster mitigation; and
(d) establish standards and procedures to ensure that funds distributed in accordance with this part are distributed in a cost effective and equitable manner, are reasonably necessary for disaster response and recovery or pre-disaster mitigation, are an appropriate and necessary use of public funds, and that all receipts and invoices are documented.
(2) No later than December 31 of each year, the division shall provide the governor and the Criminal Justice Appropriations Subcommittee a written report of the division's activities under this part, including:
(a) an accounting of the money expended or committed to be expended under this part; and
(b) the balance of the account.

Amended by Chapter 89, 2025 General Session

## Part 14
## Local Emergency Management Act

**53-2a-1401 Title.**
This part is known as the "Local Emergency Management Act."

Enacted by Chapter 106, 2021 General Session

**53-2a-1402 Designation and duties of emergency managers.**
(1) Each political subdivision of the state of Utah shall designate an emergency manager.
(2) A political subdivision may designate an officer of the political subdivision to serve as the emergency manager.
(3) An emergency manager shall:
(a) create a plan to coordinate emergency preparedness, response, mitigation, coordination, and other recovery activities; and
(b) coordinate with other emergency managers and officials to ensure efficient, appropriate, and coordinated emergency preparedness, response, mitigation, and recovery.

(4) Each political subdivision shall provide for emergency interim succession of the emergency manager as described in Part 8, Emergency Interim Succession Act.

Enacted by Chapter 106, 2021 General Session

**53-2a-1403 Emergency operations plan.**
(1) Each county shall create and maintain an emergency operations plan.
(2) Each city and town shall:
(a) create and maintain an emergency operations plan; or
(b) adopt the emergency operations plan created by the county in which the city or town is located.

Amended by Chapter 438, 2024 General Session

## Part 15
## Grid Resilience Committee

**53-2a-1501 Definitions.**
As used in this part:
(1) "Committee" means the Grid Resilience Committee created in Section 53-2a-1503.
(2) "Division" means the Utah Division of Emergency Management created in Section 53-21-103.
(3) "Grid resilience" means efforts to provide greater resilience to the state's infrastructure with respect to:
(a) weather events;
(b) wildfire;
(c) acts of terrorism; or
(d) other potentially damaging events.

Enacted by Chapter 396, 2022 General Session

**53-2a-1502 Grid Resilience Committee -- Creation -- Membership.**
(1) There is created the Grid Resilience Committee composed of the following members:
(a) the director of the division shall appoint two representatives from the division;
(b) the director of the Office of Energy Development shall appoint a representative from the Office of Energy Development;
(c) the director of the Division of Public Utilities shall appoint a representative from the Division of Public Utilities;
(d) the adjutant general of the Utah Army National Guard shall appoint a representative of the Utah Army National Guard;
(e) the chief executive officer of Utah Associated Municipal Power Systems shall appoint a representative of Utah Associated Municipal Power Systems;
(f) the chief executive officer of the Utah Municipal Power Agency shall appoint a representative of the Utah Municipal Power Agency; and
(g) the governor shall appoint:
(i) one member who is currently employed by a large-scale electric utility, as that term is defined in Section 54-2-1;

(ii) one member who is currently employed by a wholesale electric cooperative, as that term is defined in Section 54-2-1;
(iii) one member who is currently employed by a rural electric cooperative, as that term is defined in Section 54-24-102;
(iv) one member who is currently employed in the power plant fuels sector; and
(v) two members with expertise in critical infrastructure protection.
(2) The committee shall elect a chair from among the members of the committee.
(3) If a vacancy occurs in the membership of the committee:
(a) the replacement shall be replaced in the same manner in which the original appointment was made; and
(b) the replacement shall be appointed for the unexpired term.
(4)
(a) A majority of the members of the committee constitutes a quorum.
(b) The action of a majority of a quorum constitutes an action of the committee.
(5)
(a) Except as described in Subsections (5)(b) and (c), a member shall serve a term of three years.
(b) A member shall serve until the member's successor is appointed and qualified.
(c) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or replacement, adjust the length of terms to ensure that the terms of the committee members are staggered so that approximately half of the committee members appointed under Subsection (1)(g) are appointed for an initial term of one and one-half years.
(6) A member may be appointed to more than one term.
(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses incurred as a member of the committee at the rates established by the Division of Finance under:
(a) Sections 63A-3-106 and 63A-3-107; and
(b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Enacted by Chapter 396, 2022 General Session

**53-2a-1503 Committee duties -- Reporting -- Staffing.**
(1) The committee shall:
(a) develop knowledge about grid resilience and critical infrastructure protection;
(b) invite, as necessary, presenters with expertise in grid resilience or critical infrastructure protection; and
(c) discuss recommendations for state action related to increasing grid resilience and enhancing critical infrastructure protection.
(2) The committee shall meet no fewer than four times each year.
(3) Annually, on or before November 30, the committee shall report recommendations to increase grid resilience and enhance critical infrastructure protection to the Public Utilities, Energy, and Technology Interim Committee.
(4) Any recommendations the committee makes in accordance with Subsection (2) shall comply with national standards that are:
(a) developed by the Institute of Electrical and Electronics Engineers;
(b) developed by a federal regulatory agency; or
(c) commonly accepted by public utilities as best practices.
(5) The division shall provide staff and support to the committee.

Enacted by Chapter 396, 2022 General Session

## Part 16
## Emergency Response Team

**53-2a-1601 Definitions.**

As used in this part:

(1) "Emergency responder" includes a:
- (a) firefighter;
- (b) structural engineer;
- (c) physician;
- (d) physician assistant;
- (e) paramedic; or
- (f) technical rescue specialist.

(2) "Emergency response team" means a group of emergency responders placed at the direction, control, and funding of the Division of Emergency Management, in accordance with an agreement between the Division of Emergency Management and a sponsoring agency and the provisions of this part, to assist in urban search and rescue:
- (a) in response to a disaster, emergency, or important event; or
- (b) in anticipation of a forecasted severe weather event, a flood, or a planned important event.

(3) "Emergency response team member" means an individual who is:
- (a) an emergency responder;
- (b) a member of an emergency response team; and
- (c) acting within the scope of the individual's duties for an emergency response team.

(4) "Important event" includes an event attended by one or more officials of the United States or one or more foreign dignitaries and where a large crowd has or is anticipated to gather.

(5) "Sponsoring agency" means an entity in the state that executes a written agreement to organize a National Urban Search and Rescue Response System task force as described in 44 C.F.R. Part 208 to assist the Federal Emergency Management Agency during a disaster or emergency.

Amended by Chapter 113, 2024 General Session

**53-2a-1602 Emergency response team agreement -- Creation.**

(1) The division may enter into an agreement with a sponsoring agency to establish terms and conditions that apply to an emergency response team.

(2) If the division enters into an agreement described in Subsection (1), the agreement shall allow the division to reimburse the sponsoring agency for costs related to the operation of an emergency response team at rates equivalent to those described in 44 C.F.R. Part 208.

Enacted by Chapter 111, 2022 General Session

**53-2a-1603 Purposes for which an emergency response team member is considered an employee of the division.**

An emergency response team member is considered a division employee only for the following purposes:
(1) receiving workers' compensation benefits, which shall be the exclusive remedy for any injuries or occupational diseases, as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act;
(2) operating a motor vehicle or equipment if the emergency response team member is properly licensed and authorized to do so; and
(3) receiving the protection and indemnification normally afforded a division employee.

Enacted by Chapter 111, 2022 General Session

# Chapter 2b
# Interstate Local Emergency Response Act

## Part 1
## General Provisions

**53-2b-101 Title.**
(1) This chapter is known as the "Interstate Local Emergency Response Act."
(2) This part is known as "General Provisions."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

**53-2b-102 Definitions.**
As used in this chapter:
(1) "Assisting political subdivision" means a political subdivision that provides emergency services to a political subdivision in another state in accordance with a local emergency response agreement between the political subdivisions.
(2) "Certification" includes any license, certificate, permit, document, or other evidence issued by a government entity that authorizes a person to engage in an activity, within the person's scope of practice, that requires a specific skill set, education, expertise, or other qualifications.
(3) "Emergency" means:
(a) a natural or man-made disaster, a riot, a civil disturbance, violence, criminal activity, a fire, a flood, or extreme weather;
(b) an injury, illness, or other medical condition that requires an expedited response; or
(c) a circumstance that presents an imminent threat to life, property, or the public health, safety, or welfare.
(4) "Emergency responder" means a person employed by, under contract with, or acting as an official volunteer for a political subdivision of a state that provides emergency services, including any of the following:
(a) a law enforcement officer;
(b) a firefighter;
(c) a provider of medical services or first aid;
(d) an explosives expert;

(e) a person who provides hazardous materials containment or cleanup; or
(f) another provider of emergency services.
(5) "Emergency services" means services provided by a public entity in response to an emergency.
(6) "Interstate emergency response agreement" means an agreement described in Subsection 53-2b-202(1) between Utah and another state authorizing a political subdivision in Utah to enter into an agreement to provide emergency services to, and receive emergency services from, a political subdivision in the other state.
(7) "Local emergency response agreement" means an agreement described in Subsection 53-2b-202(2)(a) that is:
(a) between a political subdivision in Utah and a political subdivision in another state, providing for the provision of emergency services to, or the receipt of emergency services from, each other; and
(b) entered into under the provisions of this chapter.
(8) "Requesting political subdivision" means a political subdivision that requests emergency services from a political subdivision in another state in accordance with a local emergency response agreement between the political subdivisions.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

## Part 2
## Emergency Response Agreements

**53-2b-201 Title.**
This part is known as "Emergency Response Agreements."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

**53-2b-202 Interstate emergency response agreement -- Local emergency response agreement.**
(1) The governor may enter into an interstate emergency response agreement with another state, if the other state enacts a law substantially similar to this chapter, to permit and establish procedures and requirements relating to the sharing of emergency services between political subdivisions of the states under circumstances where the provisions of Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact, do not apply, including:
(a) when emergency responders in an assisting political subdivision may respond to an emergency more easily, quickly, or at less cost than responders in a requesting political subdivision;
(b) when a requesting political subdivision desires emergency responders in an assisting political subdivision to provide additional resources or other assistance in response to an emergency in the requesting political subdivision; or
(c) when emergency responders in a requesting political subdivision are unable to respond, or unable to adequately respond, to an emergency in the requesting political subdivision.
(2) An emergency response agreement shall:

(a) permit a political subdivision in one state to enter into a local emergency response agreement with a political subdivision in another state to permit, and establish procedures and requirements relating to, the sharing of emergency services described in Subsection (1) if the agreement is consistent with the interstate emergency response agreement and the provisions of this chapter;
(b) describe the circumstances under which an assisting political subdivision may reject a request to provide resources to a requesting political subdivision;
(c) establish requirements relating to reimbursement of the assisting political subdivision by the requesting political subdivision for any loss, damage, costs, compensation of personnel, or other expenses incurred by the assisting political subdivision; and
(d) incorporate the provisions described in Part 3, Reciprocity, and Part 4, Miscellaneous Provisions.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

## Part 3
## Reciprocity

**53-2b-301 Title.**
This part is known as "Reciprocity."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

**53-2b-302 Reciprocal immunity -- Limitation on liability.**
(1) An officer, employee, or agent of an assisting political subdivision who provides assistance in responding to an emergency in Utah under an emergency response agreement:
(a) is protected from liability under the laws of Utah as if the officer, employee, or agent of the assisting political subdivision is an officer, employee, or agent of Utah; and
(b) is considered an agent of the requesting political subdivision for the purposes of tort liability and immunity.
(2) In addition to the protections described in Subsection (1), and except as provided in Subsection (3), an assisting political subdivision, and each officer, employee, or agent of the assisting political subdivision, who provides assistance in responding to an emergency in Utah under an emergency response agreement is not liable for an act or omission performed in good faith in providing the assistance, including the maintenance or use of equipment or supplies.
(3) The additional liability protection described in Subsection (2) does not apply to misconduct that is willful, wanton, or reckless.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

**53-2b-303 Reciprocal authority.**

(1) An emergency responder from an assisting political subdivision outside of Utah who responds to an emergency in a requesting political subdivision inside of Utah has the same authority to act as an emergency responder of the same type in the requesting political subdivision.
(2) An emergency responder from an assisting political subdivision outside of Utah who responds to an emergency in a requesting political subdivision inside of Utah and who holds a certification that is valid in the assisting political subdivision or in the assisting political subdivision's state shall, during the emergency response, have the authority to act as if the emergency responder holds the same certification in the requesting political subdivision or in Utah, if the emergency responder's actions authorized by the certification are taken for the purpose of responding to an emergency in the requesting political subdivision.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

## Part 4
## Miscellaneous Provisions

**53-2b-401 Title.**
This part is known as "Miscellaneous Provisions."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

**53-2b-402 Benefits in case of injury or death.**
An assisting political subdivision shall provide its officers who respond, under this chapter, to an emergency in a requesting political subdivision and who, during the response, are injured or die in the state of the requesting political subdivision with the same death benefits and compensation, including workers' compensation, that the officers would be entitled to if the emergency and response had occurred in the assisting political subdivision.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

**53-2b-403 Emergency Management Assistance Compact takes precedence.**
The provisions of Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact, supercede the provisions of this chapter for any period of time when a declared state of emergency is in effect, under the Emergency Management Assistance Compact, with respect to a requesting political subdivision.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)
Enacted by Chapter 331, 2013 General Session

# Chapter 2c
# COVID-19 Health and Economic Response Act

# Part 1
# General Provisions

**53-2c-101 Title.**

This chapter is known as the "COVID-19 Health and Economic Response Act."

Enacted by Chapter 1, 2020 Special Session 3

**53-2c-102 Definitions.**

(1) "Commission" means the Public Health and Economic Emergency Commission created in Section 53-2c-201.
(2) "COVID-19" means:
  (a) severe acute respiratory syndrome coronavirus 2; or
  (b) the disease caused by severe acute respiratory syndrome coronavirus 2.
(3) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.
(4) "Elective surgery or procedure" means a surgery or procedure that is not medically necessary to correct a serious medical condition or preserve the life of a patient.
(5) "Epidemic or pandemic disease" means the same as that term is defined in Section 26B-7-301.
(6) "Local ordinance or order" means an ordinance, order, or other regulation enacted or issued by a local government entity.
(7) "Public health emergency" means an occurrence or imminent credible threat of an illness or health condition:
  (a) that is caused by epidemic or pandemic disease;
  (b) that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability; and
  (c) for which the governor has declared a state of emergency under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

Amended by Chapter 328, 2023 General Session

**53-2c-103 Relation to other provisions.**

(1) This chapter supersedes any conflicting provisions of Utah law.
(2)
  (a) If the governor adopts, by order, a recommendation made by the commission, the adopted recommendation supersedes any portion of a local ordinance or order that is more restrictive than or in direct conflict with the adopted recommendation, unless the governor allows an exception at the time the governor adopts the recommendation or at anytime thereafter.
  (b) If an adopted recommendation supersedes a portion of a local ordinance or order under Subsection (2)(a), the remaining portion of the local ordinance or order remains valid.
(3) The governor may not suspend the application or enforcement of any provision of this chapter.

Enacted by Chapter 1, 2020 Special Session 3

# Part 2

# Health and Economic Response

**53-2c-201 Public Health and Economic Emergency Commission -- Creation -- Membership -- Quorum -- Per diem -- Staff support -- Meetings.**

(1) There is created the Public Health and Economic Emergency Commission consisting of the following members:
  (a) the executive director of the Department of Health, or the executive director's designee;
  (b) four individuals, appointed by the governor, including:
    (i) the chief executive of a for profit health care organization that operates at least one hospital in the state;
    (ii) the chief executive of a not-for-profit health care organization that operates at least one hospital in the state; and
    (iii) two other individuals;
  (c) two individuals appointed by the president of the Senate;
  (d) two individuals appointed by the speaker of the House of Representatives; and
  (e) one individual appointed by the chief executive officer of the Utah Association of Counties.

(2)
  (a) The president of the Senate and the speaker of the House of Representatives shall jointly designate one of the members appointed under Subsection (1)(c) or (d) as chair of the commission.
  (b) For an appointment under Subsection (1)(c) or (d), the president of the Senate or the speaker of the House of Representatives may appoint a legislator or a non-legislator.

(3)
  (a) If a vacancy occurs in the membership of the commission appointed under Subsection (1)(b), (c), (d), or (e), the member shall be replaced in the same manner in which the original appointment was made.
  (b) A member of the commission serves until the member's successor is appointed and qualified.

(4)
  (a) A majority of the commission members constitutes a quorum.
  (b) The action of a majority of a quorum constitutes an action of the commission.

(5)
  (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
  (b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:
    (i) Sections 63A-3-106 and 63A-3-107; and
    (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) The Governor's Office of Planning and Budget shall:
  (a) provide staff support to the commission; and
  (b) coordinate with the Office of Legislative Research and General Counsel regarding the commission.

(7) A meeting of the commission that takes place during a public health emergency is not subject to Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 382, 2021 General Session

**53-2c-202 Commission duties -- Recommendations -- Governor's response.**

(1) The commission shall advise and make recommendations to the governor regarding the state's response to the COVID-19 emergency.

(2) As part of the commission's duties under Subsection (1), the commission shall:

(a) identify at least three economic and health guidance levels that may be used to:

(i) establish an overall risk assessment for the state; and

(ii) provide targeted risk assessments based on:

(A) geographic areas of the state;

(B) groups of individuals, based on each group's risk level of serious illness from COVID-19 due to demographic characteristics, including age or underlying health conditions;

(C) groups of individuals, based on each group's personal experience with COVID-19, including testing positive for, having symptoms of, or having recovered from COVID-19; or

(D) industries;

(b) establish criteria for assigning each economic and health guidance level described in Subsection (2)(a);

(c) identify the social and economic activities that the commission recommends take place or be restricted under each economic and health guidance level described in Subsection (2)(a);

(d) develop a plan to promote widespread testing of individuals for COVID-19;

(e) develop a plan to encourage individuals to use available technology to allow the state to identify and track the prevalence and transmission of COVID-19; and

(f) develop universal communication elements for governmental entities to use in messaging related to the COVID-19 emergency.

(3)

(a) On or before April 22, 2020, the commission shall present a plan to the governor that:

(i) provides for the state to operate under an economic and health guidance level described in Subsection (2)(a)(i) that is immediately below the highest risk economic and health guidance level;

(ii) includes reasonable guidelines under which health care providers may perform elective surgeries and procedures and restaurants may resume or continue, subject to the reasonable guidelines, normal operations; and

(iii) is available to the public.

(b) If the governor does not implement the commission's plan described in Subsection (3)(a) on or before April 30, 2020, the governor shall, on or before April 30, 2020, issue a public statement that explains the governor's decision, including the generally accepted data the governor relied upon in reaching the decision.

(4) In conducting the commission's work, the commission shall:

(a) focus on the overall well-being of the state's residents by balancing economic and public health considerations and exploring all options to mitigate the impact of the COVID-19 emergency on daily life; and

(b) consult with local government officials, as appropriate.

Enacted by Chapter 1, 2020 Special Session 3

# Chapter 2d
# Emergency Medical Services Act

## Part 1
## General Provisions

**53-2d-101 Definitions.**

As used in this chapter:

(1)
(a)
(i) "911 ambulance or paramedic services" means:
(A) either:
(I) 911 ambulance service;
(II) 911 paramedic service; or
(III) both 911 ambulance and paramedic service; and
(B) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.
(ii) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this chapter.

(2) "Air ambulance" means an ambulance that operates through air flight.

(3) "Air ambulance provider" means an ambulance provider that provides emergency medical services using an air ambulance.

(4) "Ambulance" means a ground, air, or water vehicle that:
(a) transports patients and is used to provide emergency medical services; and
(b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

(5) "Ambulance provider" means an emergency medical service provider that:
(a) transports and provides emergency medical care to patients; and
(b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

(6) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:
(a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);
(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;
(c) is capable of determining, without intervention by an operator, whether defibrillation should be performed; and
(d) upon determining that defibrillation should be performed, automatically charges, enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and to an individual's heart.

(7)
(a) "Behavioral emergency services" means delivering a behavioral health intervention to a patient in an emergency context within a scope and in accordance with guidelines established by the department.
(b) "Behavioral emergency services" does not include engaging in the:
(i) practice of mental health therapy as defined in Section 58-60-102;
(ii) practice of psychology as defined in Section 58-61-102;
(iii) practice of clinical social work as defined in Section 58-60-202;

(iv) practice of certified social work as defined in Section 58-60-202;
(v) practice of marriage and family therapy as defined in Section 58-60-302;
(vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
(vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

(8) "Bureau" means the Bureau of Emergency Medical Services created in Section 53-2d-102.

(9) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.

(10) "Committee" means the Trauma System and Emergency Medical Services Committee created by Section 53-2d-104.

(11) "Community paramedicine" means medical care:
(a) provided by emergency medical service personnel; and
(b) provided to a patient who is not:
(i) in need of ambulance transportation; or
(ii) located in a health care facility as defined in Section 26B-2-201.

(12) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section 53-2d-402.

(13) "Emergency medical condition" means:
(a) a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:
(i) placing the individual's health in serious jeopardy;
(ii) serious impairment to bodily functions; or
(iii) serious dysfunction of any bodily organ or part; or
(b) a medical condition that in the opinion of a physician or the physician's designee requires direct medical observation during transport or may require the intervention of an individual licensed under Section 53-2d-402 during transport.

(14) "Emergency medical dispatch center" means a public safety answering point, as defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by the bureau.

(15)
(a) "Emergency medical service personnel" means an individual who provides emergency medical services or behavioral emergency services to a patient and is required to be licensed or certified under Section 53-2d-402.
(b) "Emergency medical service personnel" includes a paramedic, medical director of a licensed emergency medical service provider, emergency medical service instructor, behavioral emergency services technician, and a certified emergency medical dispatcher.

(16) "Emergency medical service providers" means:
(a) licensed ambulance providers and paramedic providers;
(b) a facility or provider that is required to be designated under Subsection 53-2d-403(1)(a); and
(c) emergency medical service personnel.

(17) "Emergency medical services" means:
(a) medical services;
(b) transportation services;
(c) behavioral emergency services; or
(d) any combination of the services described in Subsections (17)(a) through (c).

(18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
(a) maintained and used for the transportation of emergency medical personnel, equipment, and supplies to the scene of a medical emergency; and

(b) required to be permitted under Section 53-2d-404.

(19) "Governing body":

(a) means the same as that term is defined in Section 11-42-102; and

(b) for purposes of a "special service district" under Section 11-42-102, means a special service district that has been delegated the authority to select a provider under this chapter by the special service district's legislative body or administrative control board.

(20) "Interested party" means:

(a) a licensed or designated emergency medical services provider that provides emergency medical services within or in an area that abuts an exclusive geographic service area that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic Providers;

(b) any municipality, county, or fire district that lies within or abuts a geographic service area that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic Providers; or

(c) the department when acting in the interest of the public.

(21) "Level of service" means the level at which an ambulance provider type of service is licensed as:

(a) emergency medical technician;

(b) advanced emergency medical technician; or

(c) paramedic.

(22) "Medical control" means a person who provides medical supervision to an emergency medical service provider.

(23) "Non-911 service" means transport of a patient that is not 911 transport under Subsection (1).

(24) "Nonemergency secured behavioral health transport" means an entity that:

(a) provides nonemergency secure transportation services for an individual who:

(i) is not required to be transported by an ambulance under Section 53-2d-405; and

(ii) requires behavioral health observation during transport between any of the following facilities:

(A) a licensed acute care hospital;

(B) an emergency patient receiving facility;

(C) a licensed mental health facility; and

(D) the office of a licensed health care provider; and

(b) is required to be designated under Section 53-2d-403.

(25) "Paramedic provider" means an entity that:

(a) employs emergency medical service personnel; and

(b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

(26) "Patient" means an individual who, as the result of illness, injury, or a behavioral emergency condition, meets any of the criteria in Section 53-2d-405.

(27) "Political subdivision" means:

(a) a city or town;

(b) a county;

(c) a special service district created under Title 17D, Chapter 1, Special Service District Act, for the purpose of providing fire protection services under Subsection 17D-1-201(9);

(d) a special district created under Title 17B, Limited Purpose Local Government Entities - Special Districts, for the purpose of providing fire protection, paramedic, and emergency services;

(e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

(f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

(28) "Sudden cardiac arrest" means a life-threatening condition that results when a person's heart stops or fails to produce a pulse.
(29) "Training center" means a person designated by the bureau to provide emergency medical services practitioner training, including:
(a) training for initial licensure; and
(b) continuing medical education under Section 53-2d-402.
(30) "Trauma" means an injury requiring immediate medical or surgical intervention.
(31) "Trauma system" means a single, statewide system that:
(a) organizes and coordinates the delivery of trauma care within defined geographic areas from the time of injury through transport and rehabilitative care; and
(b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in delivering care for trauma patients, regardless of severity.
(32) "Triage" means the sorting of patients in terms of disposition, destination, or priority. For prehospital trauma victims, triage requires a determination of injury severity to assess the appropriate level of care according to established patient care protocols.
(33) "Triage, treatment, transportation, and transfer guidelines" means written procedures that:
(a) direct the care of patients; and
(b) are adopted by the medical staff of an emergency patient receiving facility, trauma center, or an emergency medical service provider.
(34) "Type of service" means the category at which an ambulance provider is licensed as:
(a) ground ambulance transport;
(b) ground ambulance interfacility transport; or
(c) both ground ambulance transport and ground ambulance interfacility transport.

Amended by Chapter 277, 2025 General Session
Amended by Chapter 340, 2025 General Session
Amended by Chapter 452, 2025 General Session

**53-2d-102 Bureau of Emergency Medical Services -- Creation -- Bureau chief appointment, qualifications, and compensation.**
(1) There is created within the department the Bureau of Emergency Medical Services.
(2) The bureau shall be administered by a bureau chief appointed by the commissioner.
(3) The bureau chief shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
(4) The bureau chief acts under the supervision and control of the commissioner and may be removed from the position at the will of the commissioner.
(5) The bureau chief shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Enacted by Chapter 310, 2023 General Session

**53-2d-103 Bureau duties -- Data sharing.**
(1) The bureau shall:
(a) coordinate the emergency medical services within the state;
(b) administer and enforce any programs and applicable rules created under this chapter;
(c) establish an emergency medical service personnel peer review board to hear matters regarding licensure under this chapter; and
(d) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) license ambulance agencies and paramedic agencies;
(ii) permit ambulances, emergency medical response vehicles, and nonemergency secured behavioral health transport vehicles, including approving an emergency vehicle operator's course in accordance with Section 53-2d-404;
(iii) license emergency medical personnel;
(iv) establish:
(A) the qualifications for membership of the peer review board created by this section;
(B) a process for placing restrictions on a license while an investigation is pending;
(C) the process for the investigation and hearings before the peer review board; and
(D) the process for determining the status of a license while an investigation is pending;
(v) establish application, submission, and procedural requirements for licenses, designations, and permits;
(vi) establish and implement the programs, plans, and responsibilities as specified in other sections of this chapter; and
(vii) establish qualifications for individuals permitted to draw blood under Subsections 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), and 77-23-213(3)(a)(vi), and issue permits to qualified individuals.

(2)
(a) The bureau shall share data related to the bureau's duties with the Department of Health and Human Services.
(b) The Department of Health and Human Services shall share data related to the bureau's duties with the bureau.
(c) All data collected by the bureau under this chapter is subject to Title 26B, Chapter 8, Part 4, Health Statistics, including data privacy protections.

Amended by Chapter 260, 2025 General Session
Amended by Chapter 340, 2025 General Session
Amended by Chapter 341, 2025 General Session

**53-2d-104 Trauma System and Emergency Medical Services Committee -- Membership -- Expenses.**

(1) There is created the Trauma System and Emergency Medical Services Committee.
(2) The committee shall be composed of the following 11 members appointed by the governor, at least three of whom shall reside in a county of the third, fourth, fifth, or sixth class:
(a) four physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as follows:
(i) one surgeon who actively provides trauma care at a hospital;
(ii) one rural physician involved in emergency medical care;
(iii) one physician who practices in the emergency department of a general acute hospital; and
(iv) one pediatrician who practices in the emergency department or critical care unit of a general acute hospital or a children's specialty hospital;
(b) one representative from a private ambulance provider;
(c) one representative from an ambulance provider that is neither privately owned nor operated by a fire department;
(d) one chief officer from a fire agency operated by one of the following classes of licensed or designated emergency medical services providers:
(i) a municipality;
(ii) a county; or

(iii) a fire district;and
(e) four of any of the following representatives:
(i) one director of a law enforcement agency that provides emergency medical services;
(ii) one hospital administrator;
(iii) one emergency care nurse;
(iv) one paramedic in active field practice;
(v) one emergency medical technician in active field practice;
(vi) one certified emergency medical dispatcher affiliated with an emergency medical dispatch center;
(vii) one licensed mental health professional with experience as a first responder;
(viii) one licensed behavioral emergency services technician; or
(ix) one consumer.
(3)
(a) Except as provided in Subsection (3)(b), members shall be appointed to a four-year term.
(b) Notwithstanding Subsection (3)(a), the governor:
(i) shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years; and
(ii) may not reappoint a member for more than two consecutive terms.
(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term.
(4)
(a)
(i) Each January, the committee shall organize and select one of the committee's members as chair and one member as vice chair.
(ii) The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.
(b)
(i) The chair shall convene a minimum of four meetings per year.
(ii) The chair may call special meetings.
(iii) The chair shall call a meeting upon request of five or more members of the committee.
(c)
(i) Six members of the committee constitute a quorum for the transaction of business.
(ii) The action of a majority of the members present is the action of the committee.
(5) 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.
(6) Administrative services for the committee shall be provided by the bureau.

Amended by Chapter 506, 2024 General Session

**53-2d-105 Committee advisory duties.**

The Trauma System and Emergency Medical Services Committee created under Section 53-2d-104 shall:
(1) advise the bureau chief regarding:
(a) licensure, certification, and reciprocity requirements under Section 53-2d-402;

(b) designation requirements under Section 53-2d-403;
(c) insurance requirements for ambulance providers;
(d) guidelines for requiring patient data under Section 53-2d-203;
(e) criteria for awarding grants under Section 53-2d-207;
(f) requirements for the coordination of emergency medical services and the medical supervision of emergency medical service providers under Section 53-2d-403;
(g) appropriate vendors to establish certification requirements for emergency medical dispatchers;
(h) the minimum level of service for 911 ambulance services provided under Section 11-48-103; and
(i) rules necessary to administer this chapter, which shall be made by the bureau chief in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(2) on or before June 1 of each year, deliver to the bureau a recommended fine schedule, setting forth the Trauma System and Emergency Medical Services Committee's recommendations, for each type of violation, regarding the range of potential fines that the bureau should adopt and impose under Subsection 53-2d-604(3); and
(3) promote the development of a statewide emergency medical services system under Section 53-2d-403.

Amended by Chapter 260, 2025 General Session

**53-2d-108 Emergency Medical Services System Account.**
(1) There is created within the General Fund a restricted account known as the Emergency Medical Services System Account.
(2) The account consists of:
(a) interest earned on the account;
(b) appropriations made by the Legislature; and
(c) contributions deposited into the account in accordance with Section 41-1a-230.7.
(3) The bureau shall use:
(a) an amount equal to 25% of the money in the account for administrative costs related to this chapter;
(b) an amount equal to 75% of the money in the account for grants awarded in accordance with Subsection 53-2d-207(3); and
(c) all money received from the revenue source in Subsection (2)(c) for grants awarded in accordance with Subsection 53-2d-207(3).

Renumbered and Amended by Chapter 305, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-109 Emergency Medical Services Critical Needs Account.**
(1) There is created within the General Fund a restricted account known as the "Emergency Medical Services Critical Needs Account."
(2) The account shall be funded through deposits of:
(a) interest earned on the account;
(b) appropriations made by the Legislature; and
(c) contributions deposited into the account in accordance with Subsection 53-2d-207(3)(g).
(3) All funds in the account shall be nonlapsing.
(4) The bureau shall:

(a) calculate and allocate for use under Subsection (4)(b) an amount not greater than 25% of the fund balance, quarterly, as of January 1, April 1, July 1, and October 1 of each year; and
(b) use the allocated amount under Subsection (4)(a) to award and fund critical needs grants:
(i) in accordance with the criteria and procedures established by administrative rule; and
(ii) during the three-month period ending on the date of the next quarterly allocation under Subsection (4)(a).

Enacted by Chapter 340, 2025 General Session

**53-2d-110 Emergency Medical Services Critical Needs Account.**
(1) There is created within the General Fund a restricted account known as the "Emergency Medical Services Critical Needs Account."
(2) The account shall be funded through deposits of:
(a) interest earned on the account;
(b) appropriations made by the Legislature; and
(c) contributions deposited into the account in accordance with Subsection 53-2d-207(3)(g).
(3) All funds in the account shall be nonlapsing.
(4) The bureau shall:
(a) calculate and allocate for use under Subsection (4)(b) an amount not greater than 25% of the fund balance, quarterly, as of January 1, April 1, July 1, and October 1 of each year; and
(b) use the allocated amount under Subsection (4)(a) to award and fund critical needs grants:
(i) in accordance with the criteria and procedures established by administrative rule; and
(ii) during the three-month period ending on the date of the next quarterly allocation under Subsection (4)(a).

Enacted by Chapter 260, 2025 General Session

## Part 2
## Programs, Plans, and Duties

**53-2d-201 Public awareness efforts.**
The bureau may:
(1) develop programs to inform the public of the emergency medical service system; and
(2) develop and disseminate emergency medical training programs for the public, which emphasize the prevention and treatment of injuries and illnesses.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-202 Emergency medical communications.**
Consistent with federal law, the bureau is the lead agency for coordinating the statewide emergency medical service communication systems under which emergency medical personnel, dispatch centers, and treatment facilities provide medical control and coordination between emergency medical service providers.

Renumbered and Amended by Chapter 307, 2023 General Session

Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-203 Data collection.**

(1) As used in this section:
(a) "Clinical health information" means the same as that term is defined in Section 26B-8-411.
(b) "Electronic exchange" means the same as that term is defined in Section 26B-8-411.
(c) "Emergency medical service provider" means the same as that term is defined in Section 53-2d-101.
(d) "Emergency medical services" means the same as that term is defined in Section 53-2d-101.
(e) "Qualified network" means the same as that term is defined in Section 26B-8-411.
(2) The bureau shall specify the information that shall be collected for the emergency medical services data system established pursuant to Subsection (3).
(3)
(a) The bureau shall establish an emergency medical services data system, which shall provide for the collection, analysis, and reporting of information, as defined by the bureau, relating to the response, treatment, and care of patients who use or have used the emergency medical services system.
(b) The bureau shall coordinate with the Department of Health and Human Services, to create a report of data collected by the Department of Health and Human Services under Section 26B-8-504 regarding:
(i) appropriate analytical methods;
(ii) the total amount of air ambulance flight charges in the state for a one-year period; and
(iii) of the total number of flights in a one-year period under Subsection (3)(b)(ii):
(A) the number of flights for which a patient had no personal responsibility for paying part of the flight charges;
(B) the number of flights for which a patient had personal responsibility to pay all or part of the flight charges;
(C) the range of flight charges for which patients had personal responsibility under Subsection (3)(b)(iii)(B), including the median amount for paid patient personal responsibility; and
(D) the name of any air ambulance provider that received a median paid amount for patient responsibility in excess of the median amount for all paid patient personal responsibility during the reporting year.
(c) The bureau may share, within the department, information from the emergency medical services data system that:
(i) relates to traffic incidents; and
(ii) is for the improvement of traffic and public safety.
(d) Information shared under Subsection (3)(c) may not be used for the prosecution of criminal matters.
(e) Subject to the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended:
(i) the bureau may submit clinical health information about a patient, to a qualified network, via electronic exchange of clinical health information, if:
(A) the electronic exchange of clinical health information meets the standards established by the Department of Health and Human Services under Section 26B-8-411; and
(B) the clinical health information was collected by an emergency medical service provider performing emergency medical services for the provider's patient;

(ii) in connection with providing emergency medical services to a patient, an emergency medical service provider may, through electronic exchange, access the patient's clinical health information that is pertinent to the emergency medical services provided; and
(iii) an emergency medical service provider may use clinical health information only to provide and improve the quality of the emergency medical service provider's services.
(4)
(a) On or before October 1, the bureau shall make the information in Subsection (3)(b) public and send the information in Subsection (3)(b) to public safety dispatchers and first responders in the state.
(b) Before making the information in Subsection (3)(b) public, the bureau shall provide the air ambulance providers named in the report with the opportunity to respond to the accuracy of the information in the report under Section 26B-8-506.
(5) Persons providing emergency medical services:
(a) shall provide information to the bureau for the emergency medical services data system established pursuant to Subsection (3)(a);
(b) are not required to provide information to the bureau under Subsection (3)(b); and
(c) may provide information to the bureau under Subsection (3)(b) or (4)(b).

Amended by Chapter 340, 2025 General Session

**53-2d-204 Disaster coordination plan.**

The bureau shall develop and implement, in cooperation with state, federal, and local agencies empowered to oversee disaster response activities, plans to provide emergency medical services during times of disaster or emergency.

Renumbered and Amended by Chapter 310, 2023 General Session
Amended by Chapter 327, 2023 General Session
Amended by Chapter 327, 2023 General Session, (Coordination Clause)

**53-2d-205 Pediatric quality improvement program.**

The bureau shall establish a pediatric quality improvement resource program.

Renumbered and Amended by Chapter 310, 2023 General Session
Amended by Chapter 327, 2023 General Session, (Coordination Clause)
Amended by Chapter 327, 2023 General Session

**53-2d-206 Personnel critical incident stress management program.**

(1) The bureau shall facilitate a statewide program to provide support and counseling for personnel who have been exposed to one or more stressful incidents in the course of providing emergency services.
(2) The critical incident stress management program shall include:
(a) ongoing training for agencies providing emergency services and counseling program volunteers;
(b) critical incident stress debriefing for personnel at no cost to the emergency provider; and
(c) advising the department on training requirements for licensure as a behavioral emergency services technician.
(3)

(a) The department shall annually provide informational resources to first responder agencies about the critical incident stress management program in a format that will ensure that the first responder agency receives the information.
(b) The informational resources described in Subsection (3)(a) shall include educational resources about the critical incident stress management program directed to:
(i) the first responder agency administration; and
(ii) the employees or volunteers of the first responder agency.
(4)
(a) The department shall receive, process, and reimburse reasonable actual expenses, including mileage, incurred by a volunteer during the course of a volunteer's provision of critical incident stress management services under this section.
(b) The department shall, on the department's website, provide information concerning:
(i) the expenses that are eligible for reimbursement for a critical incident stress management program volunteer under Subsection (4)(a); and
(ii) instructions on how a critical incident stress management volunteer may submit a request for reimbursement under Subsection (4)(a).
(5)
(a) The department shall, in collaboration with current critical incident stress management program volunteers, organize and provide an annual training for critical incident stress management program volunteers.
(b) For the training described in Subsection (5)(a), the department shall:
(i) pay for or reimburse reasonable actual expenses for a critical incident stress management program volunteer who attends the training;
(ii) collaborate with existing critical incident stress management program volunteers to determine a location for the training; and
(iii) provide information on the department's website about the training.

Amended by Chapter 345, 2024 General Session

**53-2d-207 Emergency Medical Services Grant Program.**
(1) Funds appropriated to the bureau for the Emergency Medical Services Grant Program shall be used for improvement of delivery of emergency medical services and administrative costs as described in Subsection (2)(a).
(2) From the total amount of funds appropriated to the bureau under Subsection (1), the bureau shall use:
(a) an amount equal to 50% of the funds:
(i) to provide staff support; and
(ii) for other expenses incurred in:
(A) administration of grant funds; and
(B) other bureau administrative costs under this chapter; and
(b) an amount equal to 50% of the funds to provide emergency medical services grants in accordance with Subsection (3).
(3)
(a) A recipient of a grant under this section shall actively provide emergency medical services within the state.
(b)
(i) From the total amount of funds used to provide grants under Subsection (3), the bureau shall distribute an amount equal to 21% as per capita block grants for use specifically related to

the provision of emergency medical services to nonprofit prehospital emergency medical services providers that are either licensed or designated and to emergency medical services that are the primary emergency medical services for a service area.

(ii) The bureau shall determine the grant amounts by prorating available funds on a per capita basis by county as described in bureau rule.

(c) Subject to Subsections (3)(d) through (f), the bureau shall use the remaining grant funds to award competitive grants to licensed emergency medical services providers that provide emergency medical services within counties of the third through sixth class, in accordance with rules made by the bureau.

(d) A grant awarded under Subsection (3)(c) shall be used:

(i) for the purchase of equipment, subject to Subsection (3)(e); or

(ii) for the recruitment, training, or retention of licensed emergency medical services providers.

(e) A recipient of a grant under Subsection (3)(c) may not use more than $200,000 in grant proceeds for the purchase of vehicles.

(f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a period of up to three years.

(g) If, after providing grants under Subsections (3)(c) through (f), any grant funds are unallocated at the end of the fiscal year, the bureau shall deposit the unallocated grant funds into the Emergency Medical Services Critical Needs Account created under Section 53-2d-109.

Amended by Chapter 260, 2025 General Session
Amended by Chapter 340, 2025 General Session

**53-2d-208 Fees for training equipment rental, testing, and quality assurance reviews.**

(1) The bureau may charge fees, established in accordance with Section 63J-1-504:

(a) for the use of bureau-owned training equipment;

(b) to administer tests and conduct quality assurance reviews; and

(c) to process an application for a designation, permit, or license.

(2)

(a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated credits.

(b) Fees under Subsection (1)(a) may be used to purchase training equipment.

(c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality assurance reviews.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-209 Regional Emergency Medical Services Liaisons -- Qualifications -- Duties.**

(1) As used in this section:

(a) "Liaison" means a regional emergency medical services liaison hired under this section.

(b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

(2) The department, in consultation with the bureau, shall hire five individuals to serve as regional emergency medical services liaisons to:

(a) serve the needs of rural counties in providing emergency medical services in accordance with this chapter;

(b) act as a liaison between the bureau and individuals or entities responsible for emergency medical services in rural counties, including:

(i) emergency medical services providers;

(ii) local officials; and
(iii) local health departments or agencies;
(c) provide support and training to emergency medical services providers in rural counties;
(d) assist rural counties in utilizing state and federal grant programs for financing emergency medical services; and
(e) serve as emergency medical service personnel to assist licensed providers with ambulance staffing needs within rural counties.
(3) Each liaison hired under Subsection (2):
(a) shall reside in a rural county; and
(b) shall be licensed as:
(i) an advanced emergency medical technician as defined in Section 53-2e-101; or
(ii) a paramedic as defined in Section 53-2e-101.
(4) The bureau shall provide each liaison with a vehicle and other equipment.

Amended by Chapter 340, 2025 General Session

**53-2d-210 Emergency medical service employees providing medical services in non-911 emergency settings.**
(1) As used in this section:
(a) "Direct supervision" means a medical director or other physician is present and available for face-to-face communication with an emergency medical service employee being supervised by the medical director or other physician at the time and place any non-911 emergency medical services authorized by the medical director or other physician are being provided by the emergency medical service employee.
(b) "Emergency medical service employee" means a following individual licensed under this chapter:
(i) a paramedic;
(ii) an advanced emergency medical services technician;
(iii) emergency medical services technician; or
(iv) an emergency medical responder.
(c) "Indirect supervision" means a medical director or other physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who is available for consultation regarding any non-911 emergency medical services the medical director or other physician has authorized an emergency medical service employee to perform, regardless of whether the medical director or other physician is located on the same premises as the emergency medical service employee being supervised.
(d) "Medical director" means a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who is accountable for the non-911 emergency medical services provided by an emergency medical service employee.
(e) "Non-911 emergency medical services" means medical services that are not provided by a licensed ambulance provider or a licensed paramedic provider.
(2) A company, a corporation, a partnership, or other entity may employ an emergency medical service employee to provide non-911 emergency medical services as described in Subsection (3) if the company, corporation, partnership, or other entity:
(a) employs a medical director to manage the emergency medical service employee;
(b) has protocols approved by the medical director establishing how the emergency medical service employee is:

(i) to provide non-911 emergency medical services; and
(ii) to be supervised by the medical director or other physician as described in Subsection (4);
(c) implements and maintains a quality improvement process;
(d) establishes a process for the emergency medical service employee to initiate 911 emergency services for identified emergencies in compliance with rules made by the bureau;
(e) maintains patient records for all patients receiving non-911 emergency medical services that:
(i) comply with typical medical documentation standards; and
(ii) are auditable and accessible upon request by the bureau;
(f) obtains any licenses required by law for the non-911 emergency medical services the company, corporation, partnership, or other entity will employ the emergency medical service employee to perform;
(g) does not advertise or claim that the company, corporation, partnership, or other entity is providing non-911 emergency medical services as an alternative to 911 emergency response;
(h) assesses the education and training of the emergency medical service employee to ensure that the emergency medical service employee is competent and able to provide the non-911 emergency medical services sought;
(i) provides continuing education and training as needed to ensure the continued competency and eligibility for licensure of the emergency medical service employee to provide the non-911 emergency medical services sought; and
(j) complies with any bureau rules created in accordance with this section.

(3)
(a) Except as provided in Subsection (3)(b), and subject to Subsection (4), an emergency medical service employee employed by a company, a corporation, a partnership, or other entity that complies with Subsection (2) may provide non-911 emergency medical services that:
(i) the emergency medical service employee has been trained to perform;
(ii) the emergency medical service employee has been credentialed, privileged, or authorized to perform; and
(iii) are within the emergency medical service employee's scope of practice as defined by the bureau.
(b) Notwithstanding Subsection (3)(a), an emergency medical service employee may provide non-911 emergency medical services outside the emergency medical service employee's scope of practice described in Subsection (3)(a) if:
(i) the medical service is approved by the bureau;
(ii) the emergency medical service employee has been trained to perform the non-911 emergency medical service; and
(iii) the emergency medical service employee is otherwise complying with the requirements of this section.

(4)
(a) Except as provided in Subsection (4)(b), an emergency medical service employee may provide the non-911 emergency medical services described in Subsection (3) if the emergency medical service employee is providing the services under the direct supervision or indirect supervision of a medical director or another physician.
(b) An emergency medical service employee may provide the non-911 emergency medical services described in Subsection (3) under the direct supervision or indirect supervision of a nurse practitioner or physician assistant if:
(i) the emergency medical service employee is providing the non-911 emergency medical services in a county of the fourth, fifth, or sixth class as described in Section 17-50-501; or

(ii) if approved by the bureau.
(5) An emergency medical service employee providing non-911 emergency medical services under this section may perform the non-911 emergency medical services in a hospital, in an emergency room, in a clinic, in a community paramedicine program, at an event, or any other location where non-911 emergency medical services may need to be provided.
(6) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) define the scope of practice for an emergency medical service employee as described in Subsection (3)(a); and
(b) establish minimum standards for the requirements listed in Subsection (2).
(7) This section does not expand or limit the scope of practice for an emergency medical service employee when the emergency medical service employee is responding to an emergency or providing 911 ambulance services.

Enacted by Chapter 13, 2025 General Session

**53-2d-211 Community paramedicine program.**
(1) A ground ambulance provider or a designated quick response provider, as designated in accordance with Section 53-2d-403, may develop and implement a community paramedicine program.
(2)
(a) Before providing services, a community paramedicine program shall:
(i) implement training requirements as determined by the bureau; and
(ii) submit a written community paramedicine operational plan to the bureau that meets requirements established by the bureau.
(b) A community paramedicine program shall report data, as determined by the bureau, related to community paramedicine to the bureau.
(3) A service provided as part of a community paramedicine program may not be billed to an individual or a health benefit plan as defined in Section 31A-1-301 unless:
(a) the service is provided in partnership with a health care facility as defined in Section 26B-2-201; and
(b) the partnering health care facility is the person that bills the individual or health benefit plan.
(4) Nothing in this section affects any billing authorized under Section 53-2d-503.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Section 53-2d-105, the bureau shall make rules to implement this section.

Amended by Chapter 340, 2025 General Session

## Part 3
## Statewide Trauma System

**53-2d-301 Establishment of statewide trauma system.**
The bureau shall establish and actively supervise a statewide trauma system to:
(1) promote optimal care for trauma patients;
(2) alleviate unnecessary death and disability from trauma and emergency illness;
(3) inform health care providers about trauma system capabilities;

(4) encourage the efficient and effective continuum of patient care, including prevention, prehospital care, hospital care, and rehabilitative care; and
(5) minimize the overall cost of trauma care.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-303 Department duties.**

In connection with the statewide trauma system established in Section 53-2d-301, the bureau shall:
(1) establish a statewide trauma system plan that:
(a) identifies statewide trauma care needs, objectives, and priorities;
(b) identifies the equipment, facilities, personnel training, and other things necessary to create and maintain a statewide trauma system; and
(c) organizes and coordinates trauma care within defined geographic areas;
(2) support the statewide trauma system by:
(a) facilitating the coordination of prehospital, acute care, and rehabilitation services and providers through state regulation and oversight;
(b) facilitating the ongoing evaluation and refinement of the statewide trauma system;
(c) providing educational programs;
(d) encouraging cooperation between community organizations, health care facilities, public health officials, emergency medical service providers, and rehabilitation facilities for the development of a statewide trauma system;
(e) implementing a quality assurance program using information from the statewide trauma registry established pursuant to Section 53-2d-304;
(f) establishing trauma center designation requirements in accordance with Section 53-2d-305; and
(g) developing standards so that:
(i) trauma centers are categorized according to their capability to provide care;
(ii) trauma victims are triaged at the initial point of patient contact; and
(iii) trauma patients are sent to appropriate health care facilities.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-304 Statewide trauma registry and quality assurance program.**

(1) The bureau shall:
(a) establish and fund a statewide trauma registry to collect and analyze information on the incidence, severity, causes, and outcomes of trauma;
(b) establish, by rule, the data elements, the medical care providers that shall report, and the time frame and format for reporting;
(c) use the data collected to:
(i) improve the availability and delivery of prehospital and hospital trauma care;
(ii) assess trauma care delivery, patient care outcomes, and compliance with the requirements of this chapter and applicable department rules; and
(iii) regularly produce and disseminate reports to data providers, state government, and the public; and
(d) support data collection and abstraction by providing:

(i) a data collection system and technical assistance to each hospital that submits data; and
(ii) funding or, at the discretion of the bureau, personnel for collection and abstraction for each hospital not designated as a trauma center under the standards established pursuant to Section 53-2d-305.

(2)
(a) Each hospital shall submit trauma data in accordance with rules established under Subsection (1).
(b) A hospital designated as a trauma center shall submit data as part of the ongoing quality assurance program established in Section 53-2d-303.

(3) The department shall assess:
(a) the effectiveness of the data collected pursuant to Subsection (1); and
(b) the impact of the statewide trauma system on the provision of trauma care.

(4) Data collected under this section shall be subject to Title 26B, Chapter 8, Part 4, Health Statistics.

(5) No person may be held civilly liable for having provided data to the department in accordance with this section.

Amended by Chapter 147, 2024 General Session

**53-2d-305 Trauma center designations and guidelines.**

(1) The bureau shall establish by rule:
(a) trauma center designation requirements; and
(b) model state guidelines for triage, treatment, transportation, and transfer of trauma patients to the most appropriate health care facility.

(2) The bureau shall designate as a trauma center each hospital that:
(a) voluntarily requests a trauma center designation; and
(b) meets the applicable requirements established pursuant to Subsection (1).

Amended by Chapter 340, 2025 General Session

## Part 4
## Certificates, Designations, Permits, and Licenses

**53-2d-401 General requirement.**

(1) Except as provided in Section 53-2d-408 or 53-2d-801:
(a) an individual may not provide emergency medical services without a license or certification issued under Section 53-2d-402;
(b) a facility or provider may not hold itself out as a designated emergency medical service provider or nonemergency secured behavioral health transport provider without a designation issued under Section 53-2d-403;
(c) a vehicle may not operate as an ambulance, emergency response vehicle, or nonemergency secured behavioral health transport vehicle without a permit issued under Section 53-2d-404; and
(d) an entity may not respond as an ambulance or paramedic provider without the appropriate license issued under Part 5, Ambulance and Paramedic Providers.

(2) Section 53-2d-602 applies to violations of this section.

Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-402 Licensure of emergency medical service personnel.**

(1) To promote the availability of comprehensive emergency medical services throughout the state, the bureau shall establish:
  (a) initial and ongoing licensure and training requirements for emergency medical service personnel in the following categories:
    (i) paramedic;
    (ii) advanced emergency medical services technician;
    (iii) emergency medical services technician;
    (iv) emergency medical responder;
    (v) behavioral emergency services technician; and
    (vi) advanced behavioral emergency services technician;
  (b) a method to monitor the certification status and continuing medical education hours for emergency medical dispatchers; and
  (c) guidelines for giving credit for out-of-state training and experience.
(2) The bureau shall, based on the requirements established in Subsection (1):
  (a) develop, conduct, and authorize training and testing for emergency medical service personnel;
  (b) issue a license and license renewals to emergency medical service personnel other than emergency medical dispatchers; and
  (c) verify the certification of emergency medical dispatchers.
(3) The bureau shall coordinate with local mental health authorities described in Section 17-43-301 to develop and authorize initial and ongoing licensure and training requirements for licensure as a:
  (a) behavioral emergency services technician; and
  (b) advanced behavioral emergency services technician.
(4) As provided in Section 53-2d-602, an individual issued a license or certified under this section may only provide emergency medical services to the extent allowed by the license or certification.
(5) An individual may not be issued or retain a license under this section unless the individual obtains and retains background clearance under Section 53-2d-410.
(6) An individual may not be issued or retain a certification under this section unless the individual obtains and retains background clearance in accordance with Section 53-2d-410.5.

Amended by Chapter 340, 2025 General Session

**53-2d-403 Designation of emergency medical service providers, training centers, and nonemergency secured behavioral health transport providers.**

(1) To ensure quality emergency medical services, the bureau shall establish designation requirements for:
  (a) emergency medical service providers in the following categories:
    (i) quick response provider;
    (ii) resource hospital for emergency medical providers;
    (iii) emergency medical service dispatch center;

(iv) emergency patient receiving facilities; and
(v) other types of emergency medical service providers as the bureau considers necessary; and
(b) nonemergency secured behavioral health transport providers.
(2) The bureau shall, based on the requirements in Subsection (1), issue designations to emergency medical service providers and nonemergency secured behavioral health transport providers listed in Subsection (1).
(3) As provided in Section 53-2d-602, an entity issued a designation under Subsection (2) may only function and hold itself out in accordance with its designation.
(4) The bureau shall establish designation requirements for training centers that are:
(a) colleges or universities;
(b) vocational schools;
(c) technical colleges;
(d) for profit and non-profit organizations; or
(e) privately owned or operated businesses.

Amended by Chapter 340, 2025 General Session

**53-2d-404 Permits for emergency medical service vehicles and nonemergency secured behavioral health transport vehicles.**
(1)
(a) To ensure that emergency medical service vehicles and nonemergency secured behavioral health transport vehicles are adequately staffed, safe, maintained, properly equipped, and safely operated, the bureau shall establish permit requirements at levels it considers appropriate in the following categories:
(i) ambulance;
(ii) emergency medical response vehicle; and
(iii) nonemergency secured behavioral health transport vehicle.
(b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a requirement that every operator of an ambulance or emergency medical response vehicle annually provide proof of the successful completion of an emergency vehicle operator's course approved by the bureau for all ambulances and emergency medical response vehicle operators.
(2) The bureau shall, based on the requirements established in Subsection (1), issue permits to emergency medical service vehicles and nonemergency secured behavioral health transport vehicles.

Amended by Chapter 340, 2025 General Session

**53-2d-405 Ambulance license required for emergency medical transport.**
Except as provided in Section 53-2d-408, only an ambulance operating under a permit issued under Section 53-2d-404 may transport an individual who:
(1) is in an emergency medical condition;
(2) is medically or mentally unstable, requiring direct medical observation during transport;
(3) is physically incapacitated because of illness or injury and in need of immediate transport by emergency medical service personnel;
(4) is likely to require medical attention during transport;
(5) is being maintained on any type of emergency medical electronic monitoring;
(6) is receiving or has recently received medications that could cause a sudden change in medical condition that might require emergency medical services;

(7) requires IV administration or maintenance, oxygen that is not patient-operated, or other emergency medical services during transport;
(8) needs to be immobilized during transport to a hospital, an emergency patient receiving facility, or mental health facility due to a mental or physical condition, unless the individual is in the custody of a peace officer and the primary purpose of the restraint is to prevent escape;
(9) needs to be immobilized due to a fracture, possible fracture, or other medical condition; or
(10) otherwise requires or has the potential to require a level of medical care that the bureau establishes as requiring direct medical observation.

Amended by Chapter 340, 2025 General Session

**53-2d-406 Medical control.**
(1) The bureau shall establish requirements for the coordination of emergency medical services rendered by emergency medical service providers, including the coordination between prehospital providers, hospitals, emergency patient receiving facilities, and other appropriate destinations.
(2) The bureau shall establish requirements for the medical supervision of emergency medical service providers to assure adequate physician oversight of emergency medical services and quality improvement.

Amended by Chapter 340, 2025 General Session

**53-2d-407 Patient destination.**
(1) If an individual being transported by a ground or air ambulance is in a critical or unstable medical condition, the ground or air ambulance shall transport the patient to the trauma center or closest emergency patient receiving facility appropriate to adequately treat the patient.
(2) If the patient's condition is not critical or unstable as determined by medical control, the ground or air ambulance may transport the patient to the:
  (a) hospital, emergency patient receiving facility, licensed mental health facility, or other medical provider chosen by the patient and approved by medical control as appropriate for the patient's condition and needs; or
  (b) nearest hospital, emergency patient receiving facility, licensed mental health facility, or other medical provider approved by medical control as appropriate for the patient's condition and needs if the patient expresses no preference.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-408 Exemptions.**
(1) The following persons may provide emergency medical services to a patient without being licensed under this chapter:
  (a) out-of-state emergency medical service personnel and providers in time of disaster;
  (b) an individual who gratuitously acts as a Good Samaritan;
  (c) a family member;
  (d) a private business if emergency medical services are provided only to employees at the place of business and during transport;
  (e) an agency of the United States government if compliance with this chapter would be inconsistent with federal law; and

(f) police, fire, and other public service personnel if:
(i) emergency medical services are rendered in the normal course of the person's duties; and
(ii) medical control, after being apprised of the circumstances, directs immediate transport.
(2) An ambulance or emergency response vehicle may operate without a permit issued under Section 53-2d-404 in time of disaster.
(3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed as requiring a license for an individual to administer cardiopulmonary resuscitation or to use a fully automated external defibrillator under Section 53-2d-801.
(4) Nothing in this chapter may be construed as requiring a license, permit, or designation for an acute care hospital, medical clinic, physician's office, or other fixed medical facility that:
(a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse; and
(b) treats an individual who has presented himself or was transported to the hospital, clinic, office, or facility.

Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-409 Out-of-state vehicles.**
(1) An ambulance or emergency response vehicle from another state may not pick up a patient in Utah to transport that patient to another location in Utah or to another state without a permit issued under Section 53-2d-404 and, in the case of an ambulance, a license issued under Part 5, Ambulance and Paramedic Providers.
(2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from another state may, without a permit or license:
(a) transport a patient into Utah; and
(b) provide assistance in time of disaster.
(3) The bureau may enter into agreements with ambulance and paramedic providers and their respective licensing agencies from other states to assure the expeditious delivery of emergency medical services beyond what may be reasonably provided by licensed ambulance and paramedic providers, including the transportation of patients between states.

Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-410 Background clearance for emergency medical service personnel.**
(1) Subject to Section 53-2d-410.5, the bureau shall determine whether to grant background clearance for an individual seeking licensure or certification under Section 53-2d-402 from whom the bureau receives:
(a) the individual's social security number, fingerprints, and other personal identification information specified by the department under Subsection (4); and
(b) any fees established by the department under Subsection (10).
(2) The bureau shall determine whether to deny or revoke background clearance for individuals for whom the department has previously granted background clearance.
(3) The bureau shall determine whether to grant, deny, or revoke background clearance for an individual based on an initial and ongoing evaluation of information the bureau obtains under

Subsections (5) and (11), which, at a minimum, shall include an initial criminal background check of state, regional, and national databases using the individual's fingerprints.

(4) The bureau shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that specify:

(a) the criteria the bureau will use under Subsection (3) to determine whether to grant, deny, or revoke background clearance; and

(b) the other personal identification information an individual seeking licensure or certification under Section 53-2d-402 must submit under Subsection (1).

(5) To determine whether to grant, deny, or revoke background clearance, the bureau may access and evaluate any of the following:

(a) Department of Public Safety arrest, conviction, and disposition records described in Chapter 10, Criminal Investigations and Technical Services Act, including information in state, regional, and national records files;

(b) adjudications by a juvenile court of committing an act that if committed by an adult would be a felony or misdemeanor, if:

(i) the applicant is under 28 years old; or

(ii) the applicant:

(A) is over 28 years old; and

(B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor;

(c) juvenile court arrest, adjudication, and disposition records, other than those under Subsection (5)(b), as allowed under Section 78A-6-209;

(d) child abuse or neglect findings described in Section 80-3-404 or 80-3-504;

(e) the department's Licensing Information System described in Section 80-2-1002;

(f) the department's database of reports of vulnerable adult abuse, neglect, or exploitation, described in Section 26B-6-210;

(g) Division of Professional Licensing records of licensing and certification under Title 58, Occupations and Professions;

(h) records in other federal criminal background databases available to the state; and

(i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance, pending diversion agreements, or dispositions.

(6) Except for the Department of Public Safety, an agency may not charge the bureau for information accessed under Subsection (5).

(7) When evaluating information under Subsection (3), the bureau shall classify a crime committed in another state according to the closest matching crime under Utah law, regardless of how the crime is classified in the state where the crime was committed.

(8) The bureau shall adopt measures to protect the security of information the department accesses under Subsection (5), which shall include limiting access by department employees to those responsible for acquiring, evaluating, or otherwise processing the information.

(9) The bureau may disclose personal identification information the bureau receives under Subsection (1) to the department to verify that the subject of the information is not identified as a perpetrator or offender in the information sources described in Subsections (5)(d) through (f).

(10) The bureau may charge fees, in accordance with Section 63J-1-504, to pay for:

(a) the cost of obtaining, storing, and evaluating information needed under Subsection (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke background clearance; and

(b) other bureau costs related to granting, denying, or revoking background clearance.

(11) The Criminal Investigations and Technical Services Division within the Department of Public Safety shall:
(a) retain, separate from other division records, personal information under Subsection (1), including any fingerprints sent to it by the department; and
(b) notify the bureau upon receiving notice that an individual for whom personal information has been retained is the subject of:
(i) a warrant for arrest;
(ii) an arrest;
(iii) a conviction, including a plea in abeyance; or
(iv) a pending diversion agreement.
(12) Clearance granted for an individual licensed or certified under Section 53-2d-402 is valid until two years after the day on which the individual is no longer licensed or certified in Utah as emergency medical service personnel.

Amended by Chapter 447, 2025 General Session

**53-2d-410.5 Background check requirements for emergency medical dispatchers.**
An emergency medical dispatcher seeking certification under Section 53-2d-402 shall undergo the background clearance process described in Section 53-2d-410 unless the emergency medical dispatcher can demonstrate that the emergency medical dispatcher has received and currently holds an approved Department of Public Safety background clearance.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

## Part 5
## Ambulance and Paramedic Providers

**53-2d-501 State regulation of emergency medical services market -- License term.**
(1) To ensure emergency medical service quality and minimize unnecessary duplication, the bureau shall regulate the emergency medical services market by creating and operating a statewide system that:
(a) consists of exclusive geographic service areas as provided in Section 53-2d-502; and
(b) establishes maximum rates as provided in Section 53-2d-503.
(2) A license issued or renewed under this part is valid for four years.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-502 Exclusive geographic service areas.**
(1)
(a) Each ground ambulance provider license issued under this part shall be for an exclusive geographic service area as described in the license.
(b) Only the licensed ground ambulance provider may respond to an ambulance request that originates within the provider's exclusive geographic service area, except as provided in Subsection (5) and Section 53-2d-516.

(2)
(a) Each paramedic provider license issued under this part shall be for an exclusive geographic service area as described in the license.
(b) Only the licensed paramedic provider may respond to a paramedic request that originates within the exclusive geographic service area, except as provided in Subsection (6) and Section 53-2d-516.
(3) Nothing in this section may be construed as either requiring or prohibiting that the formation of boundaries in a given location be the same for a licensed paramedic provider and a licensed ambulance provider.
(4)
(a) A licensed ground ambulance or paramedic provider may, as necessary, enter into a mutual aid agreement to allow another licensed provider to give assistance in times of unusual demand.
(b) A mutual aid agreement shall include a formal written plan detailing the type of assistance and the circumstances under which it would be given.
(c) The parties to a mutual aid agreement shall submit a copy of the agreement to the bureau.
(d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with another entity to provide services in the licensed provider's exclusive geographic service area.
(5) Notwithstanding Subsection (1), a licensed ground ambulance provider may respond to an ambulance request that originates from the exclusive geographic area of another provider:
(a) pursuant to a mutual aid agreement;
(b) to render assistance on a case-by-case basis to that provider; and
(c) as necessary to meet needs in time of disaster or other major emergency.
(6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a paramedic request that originates from the exclusive geographic area of another provider:
(a) pursuant to a mutual aid agreement;
(b) to render assistance on a case-by-case basis to that provider; and
(c) as necessary to meet needs in time of disaster or other major emergency.
(7) The bureau may, upon the renewal of a license, align the boundaries of an exclusive geographic area with the boundaries of a political subdivision:
(a) if the alignment is practical and in the public interest;
(b) if each licensed provider that would be affected by the alignment agrees to the alignment; and
(c) taking into consideration the requirements of:
(i) Section 11-48-103; and
(ii) Section 53-2d-508.

Amended by Chapter 340, 2025 General Session

**53-2d-503 Establishment of maximum rates.**
(1) As used in this section:
(a)
(i) "Balance bill" means the practice of a health care provider billing an individual for the difference between the individual's billed charges and the amount the individual's health benefit plan allows for a covered service.
(ii) "Balance bill" does not include billing:
(A) an uninsured individual for services provided;
(B) an individual for the difference of the amount allowed by a health benefit plan for a billed service and the amount paid by the health benefit plan for the billed service; and

(C) an individual for a service that was denied by the health benefit plan because the service was an uncovered service under the health benefit plan.

(b)

(i) "Base rate" means the rate a ground ambulance provider charges for:

(A) transporting an individual to a hospital or patient receiving facility;

(B) supplies used when transporting the individual;

(C) providing procedures during transport; and

(D) administering medications during transport.

(ii) "Base rate" does not include charges for:

(A) the cost of a medication; or

(B) mileage.

(c) "Medication maximum cost" means a cost for a medication that equals the lower of the:

(i) national average drug acquisition cost; and

(ii) Utah maximum allowable cost established in the Utah Medicaid program.

(2) The bureau shall establish a maximum mileage rate for ground ambulance providers and paramedic providers that is just and reasonable.

(3) The committee may make recommendations to the bureau on the maximum mileage rate set under Subsection (2).

(4)

(a) Ground ambulance providers and paramedic providers may not charge fees for transporting a patient when the provider does not transport the patient.

(b) The provisions of Subsection (4)(a) do not apply to ambulance providers or paramedic providers in a geographic service area which contains a town as defined in Subsection 10-2-301(2)(f).

(5)

(a) The base rate is as follows:

(i) for emergency medical technician ground ambulance transport, $1,234.92;

(ii) for advanced emergency medical technician ground ambulance transport, $1,630.31;

(iii) for paramedic ground ambulance transport, $2,383.73; and

(iv) subject to Subsection (5)(b), for a transport described in Subsection (5)(a)(i) or (ii) that has a paramedic on board, $2,383.73.

(b) A ground ambulance provider may charge the rate described in Subsection (5)(a)(iv) if:

(i) a designated emergency medical service dispatch center dispatches a licensed paramedic provider to treat the individual;

(ii) the licensed paramedic provider has initiated advanced life support;

(iii) online medical control directs that a paramedic remain with the patient during transport; and

(iv) the licensed ground ambulance provider has a reimbursement for paramedic services agreement with a paramedic licensed provider for the service provided.

(6)

(a) For the mileage rate established in rule under this section, a ground ambulance provider or paramedic provider may not charge an amount greater than the amount authorized in the rule setting the mileage rate.

(b) For the base rate, a ground ambulance provider or paramedic provider may not charge an amount greater than the base rate described in Subsection (5)(a) for transportation services.

(c) For a medication, a ground ambulance provider or paramedic provider may not charge an amount greater than the medication maximum cost for a provided medication.

(7) A ground ambulance provider or paramedic provider may not balance bill.

(8) Subject to prioritization by the Legislative Audit Subcommittee, the Office of the Legislative Auditor General created in Section 36-12-15 shall conduct an audit of ground ambulance providers, paramedic providers, and insurance companies regarding rates and payments described in this section, Section 31A-22-627.1, and Section 34A-2-407.1.

Amended by Chapter 241, 2025 General Session

**53-2d-504 Ground ambulance and paramedic licenses -- Application and department review.**

(1) Except as provided in Section 53-2d-513, an applicant for a ground ambulance or paramedic license shall apply to the bureau for a license only by:
  (a) submitting a completed application;
  (b) providing information in the format required by the department; and
  (c) paying the required fees, including the cost of the hearing officer.
(2) The bureau shall make rules establishing minimum qualifications and requirements for:
  (a) personnel;
  (b) capital reserves;
  (c) equipment;
  (d) a business plan;
  (e) operational procedures;
  (f) medical direction agreements;
  (g) management and control; and
  (h) other matters that may be relevant to an applicant's ability to provide ground ambulance or paramedic service.
(3) An application for a license to provide ground ambulance service or paramedic service shall be for all ground ambulance services or paramedic services arising within the geographic service area, except that an applicant may apply for a license for less than all ground ambulance services or all paramedic services arising within an exclusive geographic area if it can demonstrate how the remainder of that area will be served.
(4)
  (a) A ground ambulance service licensee may apply to the bureau for a license to provide a higher level of service as defined by bureau rule if the application includes:
    (i) a copy of the new treatment protocols for the higher level of service approved by the off-line medical director;
    (ii) an assessment of field performance by the applicant's off-line director; and
    (iii) an updated plan of operation demonstrating the ability of the applicant to provide the higher level of service.
  (b) If the bureau determines that the applicant has demonstrated the ability to provide the higher level of service in accordance with Subsection (4)(a), the bureau shall issue a revised license reflecting the higher level of service and the requirements of Section 26B-4-162 do not apply.
  (c) A revised license issued under Subsection (4)(b):
    (i) may only affect the level of service that the licensee may provide; and
    (ii) may not affect any other terms, conditions, or limitations of the original license.
(5) Upon receiving a completed application and the required fees, the bureau shall review the application and determine whether the application meets the minimum qualifications and requirements for licensure.
(6) The bureau may deny an application if it finds that it contains any materially false or misleading information, is incomplete, or if the application demonstrates that the applicant fails to meet the minimum qualifications and requirements for licensure under Subsection (2).

(7) If the department denies an application, it shall notify the applicant in writing setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4, Administrative Procedures Act.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-505 Ground ambulance and paramedic licenses.**

If the bureau determines that the application meets the minimum requirements for licensure under Section 53-2d-504, the bureau shall issue a notice of the approved application to the applicant.

Amended by Chapter 341, 2025 General Session

**53-2d-510 Local approvals.**

(1) Licensed ambulance providers and paramedic providers shall meet all local zoning and business licensing standards generally applicable to businesses operating within the jurisdiction.
(2) Publicly subsidized providers shall demonstrate approval of the taxing authority that will provide the subsidy.
(3) A publicly operated service shall demonstrate that the governing body has approved the provision of services to the entire exclusive geographic service area that is the subject of the license, including those areas that may lie outside the territorial or jurisdictional boundaries of the governing body.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-511 Limitation on repetitive applications.**

A person who has previously applied for a license under Sections 53-2d-506 through 53-2d-509 may not apply for a license for the same service that covers any exclusive geographic service area that was the subject of the prior application unless:

(1) one year has passed from the date of the issuance of a final decision under Section 53-2d-507; or
(2) all interested parties and the department agree that a new application is in the public interest.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-512 License for air ambulance providers.**

(1) An applicant for an air ambulance provider shall apply to the bureau for a license only by:
  (a) submitting a complete application;
  (b) providing information in the format required by the bureau; and
  (c) paying the required fees.
(2) The bureau may make rules establishing minimum qualifications and requirements for:
  (a) personnel;
  (b) capital reserves;
  (c) equipment;
  (d) business plan;

(e) operational procedures;
(f) resource hospital and medical direction agreements;
(g) management and control qualifications and requirements; and
(h) other matters that may be relevant to an applicant's ability to provide air ambulance services.
(3) Upon receiving a completed application and the required fees, the bureau shall review the application and determine whether the application meets the minimum requirements for licensure.
(4) The bureau may deny an application for an air ambulance if:
(a) the bureau finds that the application contains any materially false or misleading information or is incomplete;
(b) the application demonstrates that the applicant fails to meet the minimum requirements for licensure; or
(c) the bureau finds after inspection that the applicant does not meet the minimum requirements for licensure.
(5) If the bureau denies an application under this section, it shall notify the applicant in writing setting forth the grounds for the denial.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-513 License renewals.**
(1) A licensed provider desiring to renew its license shall meet the renewal requirements established by bureau rule.
(2) The bureau shall issue a renewal license for a ground ambulance provider or a paramedic provider upon the licensee's application for a renewal and without a public hearing if:
(a) the applicant was licensed under the provisions of Sections 53-2d-506 through 53-2d-509; and
(b) there has been:
(i) no change in controlling interest in the ownership of the licensee as defined in Section 53-2d-515;
(ii) no serious, substantiated public complaints filed with the department against the licensee during the term of the previous license;
(iii) no material or substantial change in the basis upon which the license was originally granted;
(iv) no reasoned objection from the committee or the department; and
(v) no change to the license type.
(3)
(a)
(i) The provisions of this Subsection (3) apply to a provider licensed under the provisions of Sections 53-2d-505.1 and 53-2d-505.2.
(ii) A provider may renew its license if the provisions of Subsections (1) and (2) and this Subsection (3) are met.
(b)
(i) The bureau shall issue a renewal license to a provider upon the provider's application for renewal for one additional four-year term if the political subdivision certifies to the bureau that the provider has met all of the specifications of the original bid.
(ii) If the political subdivision does not certify to the bureau that the provider has met all of the specifications of the original bid, the bureau may not issue a renewal license and the

political subdivision shall enter into a public bid process under Sections 53-2d-505.1 and 53-2d-505.2.

(c)

(i) The bureau shall issue an additional renewal license to a provider who has already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if the bureau and the political subdivision do not receive, prior to the expiration of the provider's license, written notice from an approved applicant informing the political subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic service.

(ii) If the bureau and the political subdivision receive the notice in accordance with Subsection (3)(c)(i), the bureau may not issue a renewal license and the political subdivision shall enter into a public bid process under Sections 53-2d-505.1 and 53-2d-505.2.

(4) The bureau shall issue a renewal license for an air ambulance provider upon the licensee's application for renewal and completion of the renewal requirements established by bureau rule.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-514 Annexations.**

(1) A municipality shall comply with the provisions of this section if the municipality is licensed under this chapter and desires to provide service to an area that is:

(a) included in a petition for annexation under Title 10, Chapter 2, Part 8, Annexation; and

(b) currently serviced by another provider licensed under this chapter.

(2)

(a)

(i) At least 45 days prior to approving a petition for annexation, the municipality shall certify to the bureau that by the time of the approval of the annexation the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

(ii) no later than three business days after the municipality files a petition for annexation in accordance with Section 10-2-806, provide written notice of the petition for annexation to:

(A) the existing licensee providing service to the area included in the petition of annexation; and

(B) the bureau.

(b)

(i) After receiving a certification under Subsection (2)(a), but prior to the municipality approving a petition for annexation, the bureau may audit the municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

(ii) If the bureau elects to conduct an audit, the bureau shall make a finding that the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area if the bureau finds that the municipality has or will have by the time of the approval of the annexation:

(A) adequate trained personnel to deliver basic and advanced life support services;

(B) adequate apparatus and equipment to deliver emergency medical services;

(C) adequate funding for personnel and equipment; and

(D) appropriate medical controls, such as a medical director and base hospital.

(iii) The bureau shall submit the results of the audit in writing to the municipal legislative body.

(3)

(a) If the bureau audit finds that the municipality meets the requirements of Subsection (2)(b)(ii), the bureau shall issue an amended license to the municipality and all other affected licensees to reflect the municipality's new boundaries after the bureau receives notice of the approval of the petition for annexation from the municipality in accordance with Section 10-2-813.

(b)

(i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the bureau audit finds that the municipality fails to meet the requirements of Subsection (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the petition for annexation while an adjudicative proceeding requested under this Subsection (3)(b)(i) is pending.

(ii) The bureau shall conduct an adjudicative proceeding when requested under Subsection (3)(b)(i).

(iii) Notwithstanding the provisions of Sections 53-2d-504 through 53-2d-509, in any adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the bureau bears the burden of establishing that the municipality cannot, by the time of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii).

(c) If, at the time of the approval of the annexation, an adjudicative proceeding is pending under the provisions of Subsection (3)(b)(i), the bureau shall issue amended licenses if the municipality prevails in the adjudicative proceeding.

Amended by Chapter 399, 2025 General Session

**53-2d-515 Changes in ownership.**

(1) A licensed provider whose ownership or controlling ownership interest has changed shall submit information to the bureau, as required by bureau rule:

(a) to establish whether the new owner or new controlling party meets minimum requirements for licensure; and

(b) except as provided in Subsection (2), to commence an administrative proceeding to determine whether the new owner meets the requirement of public convenience and necessity under Section 53-2d-508.

(2) An administrative proceeding is not required under Subsection (1)(b) if:

(a) the change in ownership interest is among existing owners of a closely held corporation and the change does not result in a change in the management of the licensee or in the name of the licensee;

(b) the change in ownership in a closely held corporation results in the introduction of new owners, provided that:

(i) the new owners are limited to individuals who would be entitled to the equity in the closely held corporation by the laws of intestate succession had the transferor died intestate at the time of the transfer;

(ii) the majority owners on January 1, 1999, have been disclosed to the department by October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the closely held corporation; and

(iii) the name of the licensed provider remains the same;

(c) the change in ownership is the result of one or more owners transferring their interests to a trust, limited liability company, partnership, or closely held corporation so long as the transferors retain control over the receiving entity;

(d) the change in ownership is the result of a distribution of an estate or a trust upon the death of the testator or the trustor and the recipients are limited to individuals who would be entitled to

the interest by the laws of intestate succession had the transferor died intestate at the time of the transfer; or

(e) other similar changes that the department establishes, by rule, as having no significant impact on the cost, quality, or access to emergency medical services.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-516 Overlapping licenses.**

(1) As used in this section:

(a) "Overlap" means two ground ambulance interfacility transport providers that are licensed at the same level of service in all or part of a single geographic service area.

(b) "Overlay" means two ground ambulance interfacility transport providers that are licensed at a different level of service in all or part of a single geographic service area.

(2) Notwithstanding the exclusive geographic service requirement of Section 53-2d-502, the bureau shall recognize overlap and overlay ground ambulance interfacility transport licenses that existed on or before May 4, 2022.

(3) The bureau may, without an adjudicative proceeding but with at least 30 days notice to providers in the same geographic service area, amend an existing overlay ground ambulance interfacility transport license solely to convert an overlay into an overlap if the existing ground ambulance interfacility transport licensed provider meets the requirements described in Subsection 53-2d-504(4).

(4) An amendment of a license under this section may not alter:

(a) other terms of the original license, including the applicable geographic service area; or

(b) the license of other providers that provide interfacility transport services in the geographic service area.

(5) Notwithstanding Subsection (2), any license for an overlap area terminates upon:

(a) relinquishment by the provider; or

(b) revocation by the department.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-517 Air ambulance requirements.**

(1) A licensed air ambulance provider shall provide to all emergency medical dispatch centers the real-time location and availability of the air ambulance using statewide software that updates from a location transponder or computer-aided dispatch interface.

(2) An emergency medical dispatch center shall dispatch an air ambulance that the emergency medical dispatch center determines:

(a) is nearest to the location requiring emergency medical services;

(b) is readily available; and

(c) is the most appropriate air ambulance provider for the particular emergency circumstance based on the needs of the patient and the capabilities of the air ambulance provider.

(3) An air ambulance that is currently transporting a patient may not:

(a) be dispatched for a different emergency medical situation; or

(b) deviate from the current emergency service and patient to respond to a different emergency medical dispatch communication.

Enacted by Chapter 452, 2025 General Session

## Part 6
## Enforcement Provisions

**53-2d-601 Discrimination prohibited.**

(1) No person licensed or designated pursuant to this chapter may discriminate in the provision of emergency medical services on the basis of race, sex, color, creed, or prior inquiry as to ability to pay.

(2) This chapter does not authorize or require medical assistance or transportation over the objection of an individual on religious grounds.

Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-602 Illegal activity.**

(1) Except as provided in Section 53-2d-408 or 53-2d-201, a person may not:

(a) practice or engage in the practice, represent that the person is practicing or engaging in the practice, or attempt to practice or engage in the practice of any activity that requires a license, certification, or designation under this chapter unless that person is licensed, certified, or designated under this chapter; or

(b) offer an emergency medical service that requires a license, certification, or designation under this chapter unless the person is licensed, certified, or designated under this chapter.

(2) A person may not:

(a) advertise or represent that the person holds a license, certification, or designation required under this chapter, unless that person holds the license, certification, or designation under this chapter;

(b) employ or permit any employee to perform any service for which a license or certification is required by this chapter, unless the person performing the service possesses the required license or certification under this chapter;

(c) display, sell, reproduce, or otherwise use any Utah Emergency Medical Services insignia without authorization from the bureau;

(d) reproduce or otherwise use materials developed by the department for licensure or certification testing or examination without authorization from the bureau; or

(e) willfully summon an ambulance or emergency response vehicle or report that one is needed when the person knows that the ambulance or emergency response vehicle is not needed.

(3) A violation of Subsection (1) or (2) is a class B misdemeanor.

Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-602.1 Prohibition on the use of "911".**

(1) As used in this section:

(a) "Emergency services" means services provided by a person in response to an emergency.

(b) "Emergency services" includes:
(i) fire protection services;
(ii) paramedic services;
(iii) law enforcement services;
(iv) 911 ambulance or paramedic services; and
(v) any other emergency services.
(2) A person may not use "911" or other similar sequence of numbers in the person's name with the purpose to deceive the public that the person operates or represents emergency services, unless the person is authorized to provide emergency services.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor; and
(b) subject to a fine of up to $500 per violation.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-603 Discipline of emergency medical services personnel.**
(1) The bureau may refuse to issue a license or renewal, or revoke, suspend, restrict, or place on probation an individual's license or endorsement if:
(a) the individual does not meet the qualifications for licensure under Section 53-2d-402;
(b) the individual has engaged in conduct that:
(i) is unprofessional;
(ii) is adverse to the public health, safety, morals, or welfare; or
(iii) would adversely affect public trust in the emergency medical service system;
(c) the individual has violated Section 53-2d-602 or other provision of this chapter;
(d) the individual has violated Section 58-1-509;
(e) a court of competent jurisdiction has determined the individual to be mentally incompetent for any reason; or
(f) the individual is unable to provide emergency medical services with reasonable skill and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated.
(2)
(a) An action to revoke, suspend, restrict, or place a license on probation shall be done in:
(i) consultation with the peer review board created in Section 53-2d-103; and
(ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(b) Notwithstanding Subsection (2)(a), the bureau may issue a cease and desist order under Section 53-2d-607 to immediately suspend an individual's license pending an administrative proceeding to be held within 30 days if there is evidence to show that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.
(3) An individual whose license has been suspended, revoked, or restricted may apply for reinstatement of the license at reasonable intervals and upon compliance with any conditions imposed upon the license by statute, rule, or the terms of the suspension, revocation, or restriction.

Amended by Chapter 340, 2025 General Session

**53-2d-604 Discipline of designated and licensed providers, and training centers -- Penalties.**

(1) The bureau may, with respect to emergency medical service providers, as defined in Section 53-2d-101, excluding emergency medical service personnel:

(a) impose a fine; or

(b) refuse to issue a license or designation or a renewal, or revoke, suspend, restrict, or place on probation, a training center, or any emergency medical service provider's license or designation, including the license or designation of a non-911 service provider, if the training center or provider has:

(i) failed to abide by terms of the license or designation;

(ii) violated statute or rule;

(iii) failed to provide services at the level or in the exclusive geographic service area required by the license or designation;

(iv) failed to submit a renewal application in a timely fashion as required by bureau rule;

(v) failed to follow operational standards established by the bureau; or

(vi) committed an act in the performance of a professional duty that endangered the public or constituted gross negligence.

(2)

(a) Except as provided in this chapter, an administrative action to impose a fine or penalty, or to revoke, suspend, restrict, or place a license or designation on probation, shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(b) Notwithstanding Subsection (2)(a), the bureau may issue a cease and desist order under Section 53-2d-607 to immediately suspend a license or designation pending an administrative proceeding to be held within 30 days if there is evidence to show that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.

(3)

(a) The bureau shall:

(i) consider the recommended schedule of potential fines received under Subsection 53-2d-105(2) from the Trauma System and Emergency Medical Services Committee; and

(ii) by rule on or before August 31 of each year, adopt and publish a schedule setting forth the range of potential fines that the bureau may impose for each type of violation for the annual period beginning September 1 of the current year and ending August 31 of the following year.

(b) In determining the appropriate fine from the published range of potential fines the bureau may impose for a violation, the bureau shall consider any relevant aggravating or mitigating circumstances.

(c) The bureau shall deposit any fines collected under this section into the Emergency Medical Services Critical Needs Account created under Section 53-2d-110.

Amended by Chapter 260, 2025 General Session
Amended by Chapter 340, 2025 General Session
Amended by Chapter 341, 2025 General Session

**53-2d-605 Service interruption or cessation -- Receivership -- Default coverage -- Notice.**

(1)

(a) Acting in the public interest, the department may petition a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to appoint the bureau or an independent receiver to continue the operations of a provider upon any one of the following conditions:
(i) the provider ceases or intends to cease operations;
(ii) the provider becomes insolvent;
(iii) the bureau has initiated proceedings to revoke the provider's license and has determined that the lives, health, safety, or welfare of the population served within the provider's exclusive geographic service area are endangered because of the provider's action or inaction pending a full hearing on the license revocation; or
(iv) the bureau has revoked the provider's license and has been unable to adequately arrange for another provider to take over the provider's exclusive geographic service area.
(b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, if the department brings a petition described in Subsection (1)(a) in the district court, the department shall bring the petition in:
(i) Salt Lake County; or
(ii) the county in which the ambulance or paramedic provider operates.
(2) If a licensed or designated provider ceases operations or is otherwise unable to provide services, the bureau may arrange for another licensed provider to provide services on a temporary basis until a license is issued.
(3) A licensed provider shall give the department 30 days' notice of its intent to cease operations.

Amended by Chapter 158, 2024 General Session

**53-2d-606 Investigations for enforcement of chapter.**
(1) The bureau may, for the purpose of ascertaining compliance with the provisions of this chapter, enter and inspect on a routine basis the business premises and equipment of a person:
(a) with a designation, permit, or license; or
(b) who holds himself out to the general public as providing a service for which a designation, permit, or license is required under Section 53-2d-401.
(2) Before conducting an inspection under Subsection (1), the bureau shall, after identifying the person in charge:
(a) give proper identification;
(b) describe the nature and purpose of the inspection; and
(c) if necessary, explain the authority of the department to conduct the inspection.
(3) In conducting an inspection under Subsection (1), the bureau may, after meeting the requirements of Subsection (2):
(a) inspect records, equipment, and vehicles; and
(b) interview personnel.
(4) An inspection conducted under Subsection (1) shall be during regular operational hours.

Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-606.5 Investigative authority of the bureau -- Subpoenas -- Criminal penalty.**
(1) In connection with conducting a formal investigation or any matters pending before the peer review board, the bureau may administer oaths and affirmations, subpoena witnesses, take

evidence, and require by subpoena duces tecum the production of relevant papers, records, or other documents or information.

(2) A person who willfully disobeys a valid subpoena issued by the bureau is guilty of a class B misdemeanor.

Enacted by Chapter 341, 2025 General Session

**53-2d-607 Cease and desist letters -- Criminal penalty.**

(1) The bureau may issue a cease and desist order to any person who:
  (a) may be disciplined under Section 53-2d-603 or 53-2d-604; or
  (b) otherwise violates this chapter or any rules adopted under this chapter.

(2) An individual who willfully disobeys a valid cease and desist letter issued by the bureau is guilty of a class B misdemeanor.

Amended by Chapter 340, 2025 General Session
Amended by Chapter 341, 2025 General Session

## Part 7
## Miscellaneous

**53-2d-701 Persons and activities exempt from civil liability.**

(1)
  (a) Except as provided in Subsection (1)(b), a licensed physician, physician's assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written instructions to any of the following is not liable for any civil damages as a result of issuing the instructions:
    (i) an individual licensed or certified under Section 53-2b-402;
    (ii) an individual who uses a fully automated external defibrillator; or
    (iii) an individual who administers CPR.
  (b) The liability protection described in Subsection (1)(a) does not apply if the instructions given were the result of gross negligence or willful misconduct.

(2) An individual licensed or certified under Section 53-2d-402, during either training or after licensure or certification, a licensed physician, a physician assistant, or a registered nurse who, gratuitously and in good faith, provides emergency medical instructions or renders emergency medical care authorized by this chapter is not liable for any civil damages as a result of any act or omission in providing the emergency medical instructions or medical care, unless the act or omission is the result of gross negligence or willful misconduct.

(3) An individual licensed or certified under Section 53-2d-402 is not subject to civil liability for failure to obtain consent in rendering emergency medical services authorized by this chapter to any individual who is unable to give his consent, regardless of the individual's age, where there is no other person present legally authorized to consent to emergency medical care, provided that the licensed individual acted in good faith.

(4) A principal, agent, contractor, employee, or representative of an agency, organization, institution, corporation, or entity of state or local government that sponsors, authorizes, supports, finances, or supervises any functions of an individual licensed or certified under Section 53-2d-402 is not liable for any civil damages for any act or omission in connection with the sponsorship, authorization, support, finance, or supervision of the licensed or certified

individual where the act or omission occurs in connection with the licensed or certified individual's training or occurs outside a hospital where the life of a patient is in immediate danger, unless the act or omission is inconsistent with the training of the licensed or certified individual, and unless the act or omission is the result of gross negligence or willful misconduct.

(5) A physician or physician assistant who gratuitously and in good faith arranges for, requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit in another hospital is not liable for any civil damages as a result of such transfer where:

(a) sound medical judgment indicates that the patient's medical condition is beyond the care capability of the transferring hospital or the medical community in which that hospital is located; and

(b) the physician or physician assistant has secured an agreement from the receiving facility to accept and render necessary treatment to the patient.

(6) An individual who is a registered member of the National Ski Patrol System or a member of a ski patrol who has completed a course in winter emergency care offered by the National Ski Patrol System combined with CPR for medical technicians offered by the American Red Cross or American Heart Association, or an equivalent course of instruction, and who in good faith renders emergency care in the course of ski patrol duties is not liable for civil damages as a result of any act or omission in rendering the emergency care, unless the act or omission is the result of gross negligence or willful misconduct.

(7) An emergency medical service provider who, in good faith, transports an individual against his will but at the direction of a law enforcement officer pursuant to Section 26B-5-331 is not liable for civil damages for transporting the individual.

Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-702 Notification of air ambulance policies and charges.**

(1) For any patient who is in need of air medical transport provider services, an emergency medical service provider shall:

(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;

(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and

(b) if multiple air medical transport providers are capable of providing the patient with services, provide the patient or the patient's representative an opportunity to choose the air medical transport provider.

(2) Subsection (1) does not apply if the patient:

(a) is unconscious and the patient's representative is not physically present with the patient; or

(b) is unable, due to a medical condition, to make an informed decision about the choice of an air medical transport provider, and the patient's representative is not physically present with the patient.

Amended by Chapter 5, 2024 Special Session 3

**53-2d-703 Volunteer Emergency Medical Service Personnel Insurance Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory board.**

(1) As used in this section:

(a) "Basic life insurance benefit" means the standard group life insurance benefit offered by PEHP that combines basic life, line-of-duty, accidental death and disability, and dependent coverage into one benefit package.

(b) "Basic long-term disability benefit" means a $1,000 monthly benefit arising from a disability determined in accordance with Title 49, Chapter 21, Public Employees' Long-Term Disability Act, and excluding any coverage offered on a pilot basis.

(c) "Dental plan" means the same as that term is defined in Section 31A-22-646.

(d) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

(e) "Local government entity" means a political subdivision that:

(i) is licensed as a ground ambulance provider under Part 5, Ambulance and Paramedic Providers or a quick response provider as designated under 53-2d-403; and

(ii) does not offer health insurance benefits to volunteer emergency medical service personnel.

(f) "PEHP" means the Public Employees' Benefit and Insurance Program created in Section 49-20-103.

(g) "Political subdivision" means a county, a municipality, a limited purpose government entity described in Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

(h) "Qualifying association" means an association that represents two or more political subdivisions in the state.

(i) "Qualifying community" means any of the following located in a county of the second class:

(i) a city of the fifth class; or

(ii) a town.

(2) The Volunteer Emergency Medical Service Personnel Insurance Program shall promote recruitment and retention of volunteer emergency medical service personnel by making insurance available to volunteer emergency medical service personnel in accordance with this section.

(3)

(a) The bureau shall contract with a qualifying association to create, implement, and administer the Volunteer Emergency Medical Service Personnel Insurance Program described in this section.

(b) The qualifying association will create promotional campaigns for the Volunteer Emergency Medical Service Personnel Insurance Program and volunteer emergency medical service recruitment and retention including outreach to local government entities through social media, video production, and other media platforms.

(4) Participation in the program is limited to any individual who:

(a) is licensed under Section 53-2d-402 as an emergency medical technician, an advanced emergency medical technician, or a paramedic;

(b) is able to perform all necessary functions associated with the license;

(c) provides emergency medical services under the direction of a local governmental entity:

(i) by responding to 20% of calls for emergency medical services in a rolling twelve-month period; and

(ii) within a qualifying community or a county of the third, fourth, fifth, or sixth class by responding to the number of calls described in Subsection (4)(c)(i); and

(iii)

(A) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R. Sec. 553.106; or
(B) as a part-time unbenefited employee, as classified by the employing local government entity;
(d) if seeking health insurance:
(i)
(A) is not eligible for a health benefit plan through an employer or a spouse's employer; and
(B) is not eligible for medical coverage under a government sponsored healthcare program; or
(ii) the individual's premium cost for individual, double, or family coverage through another source exceeds 20% or greater of the premium cost of the program created by this section;
(e) if seeking dental insurance:
(i)
(A) is not eligible for a dental plan through an employer or a spouse's employer; and
(B) is not eligible for dental coverage under a government sponsored healthcare program; or
(ii) the individual's premium cost for individual, double, or family coverage exceeds 20% or greater of the premium cost of the program created by this section; and
(f) resides in the state.
(5)
(a) A participant in the program is eligible to participate in PEHP in accordance with Subsection (5)(b) and Subsection 49-20-201(3).
(b) Health and dental benefits available to program participants under PEHP are limited to health insurance and dental insurance that:
(i) covers the program participant and the program participant's eligible dependents on a July 1 plan year;
(ii) accepts enrollment during an open enrollment period or for a special enrollment event, including the initial eligibility of a program participant;
(iii) if the program participant is no longer eligible for benefits, terminates on the last day of the last month for which the individual is a participant in the Volunteer Emergency Medical Service Personnel Insurance Program; and
(iv) is not subject to continuation rights under state or federal law.
(c) Within existing appropriations, the Volunteer Emergency Medical Service Personnel Insurance Program may offer basic life insurance and long-term disability insurance to participants to enhance recruitment and retention efforts.
(6)
(a) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define additional criteria regarding benefit design, eligibility for the program, and to implement this section.
(b) The bureau shall convene an advisory board:
(i) to advise the bureau on making rules under Subsection (6)(a); and
(ii) that includes representation from at least the following entities:
(A) the qualifying association that receives the contract under Subsection (3); and
(B) PEHP.
(7) For purposes of this section, the qualifying association that receives the contract under Subsection (3) shall be considered the public agency for whom the program participant is volunteering under 29 C.F.R. Sec. 553.101.

Amended by Chapter 240, 2025 General Session

# Part 8
# Utah Sudden Cardiac Arrest Survival Act

**53-2d-801 Authority to administer CPR or use an AED.**

A person may:

(1) administer CPR on another individual without a license, certificate, or other governmental authorization if the person reasonably believes that the individual is in sudden cardiac arrest; or

(2) use an AED on another individual without a license, certificate, or other governmental authorization if the person reasonably believes that the individual is in sudden cardiac arrest.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-802 Immunity.**

(1) Except as provided in Subsection (3), the following persons are not subject to civil liability for any act or omission relating to preparing to care for, responding to care for, or providing care to, another individual who reasonably appears to be in sudden cardiac arrest:
  (a) a person authorized, under Section 53-2d-801, to administer CPR, who:
    (i) gratuitously and in good faith attempts to administer or administers CPR to another person; or
    (ii) fails to administer CPR to another person;
  (b) a person authorized, under Section 53-2d-801, to use an AED who:
    (i) gratuitously and in good faith attempts to use or uses an AED; or
    (ii) fails to use an AED;
  (c) a person that teaches or provides a training course in administering CPR or using an AED;
  (d) a person that acquires an AED;
  (e) a person that owns, manages, or is otherwise responsible for the premises or conveyance where an AED is located;
  (f) a person who retrieves an AED in response to a perceived or potential sudden cardiac arrest;
  (g) a person that authorizes, directs, or supervises the installation or provision of an AED;
  (h) a person involved with, or responsible for, the design, management, or operation of a CPR or AED program;
  (i) a person involved with, or responsible for, reporting, receiving, recording, updating, giving, or distributing information relating to the ownership or location of an AED under Section 53-2d-803; or
  (j) a physician who gratuitously and in good faith:
    (i) provides medical oversight for a public AED program; or
    (ii) issues a prescription for a person to acquire or use an AED.

(2) This section does not relieve a manufacturer, designer, developer, marketer, or commercial distributor of an AED, or an accessory for an AED, of any liability.

(3) The liability protection described in Subsection (1) does not apply to an act or omission that constitutes gross negligence or willful misconduct.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-803 Reporting location of automatic external defibrillators.**

(1) In accordance with Subsection (2) and except as provided in Subsection (3):
  (a) a person who owns or leases an AED shall report the person's name, address, and telephone number, and the exact location of the AED, in writing or by a web-based AED registration form, if available, to the emergency medical dispatch center that provides emergency dispatch services for the location where the AED is installed, if the person:
    (i) installs the AED;
    (ii) causes the AED to be installed; or
    (iii) allows the AED to be installed; and
  (b) a person who owns or leases an AED that is removed from a location where it is installed shall report the person's name, address, and telephone number, and the exact location from which the AED is removed, in writing or by a web-based AED registration form, if available, to the emergency medical dispatch center that provides emergency dispatch services for the location from which the AED is removed, if the person:
    (i) removes the AED;
    (ii) causes the AED to be removed; or
    (iii) allows the AED to be removed.
(2) A report required under Subsection (1) shall be made within 14 days after the day on which the AED is installed or removed.
(3) Subsection (1) does not apply to an AED:
  (a) at a private residence; or
  (b) in a vehicle or other mobile or temporary location.
(4) A person who owns or leases an AED that is installed in, or removed from, a private residence may voluntarily report the location of, or removal of, the AED to the emergency medical dispatch center that provides emergency dispatch services for the location where the private residence is located.
(5) The department may not impose a penalty on a person for failing to comply with the requirements of this section.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-804 Distributors to notify of reporting requirements.**

A person in the business of selling or leasing an AED shall, at the time the person provides, sells, or leases an AED to another person, notify the other person, in writing, of the reporting requirements described in Section 53-2d-803.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-805 Duties of emergency medical dispatch centers.**

An emergency medical dispatch center shall:
(1) implement a system to receive and manage the information reported to the emergency medical dispatch center under Section 53-2d-803;
(2) record in the system described in Subsection (1), all information received under Section 53-2d-803 within 14 days after the day on which the information is received;
(3) inform an individual who calls to report a potential incident of sudden cardiac arrest of the location of an AED located at the address of the potential sudden cardiac arrest;

(4) provide verbal instructions to an individual described in Subsection (3) to:
(a) help the individual determine if a patient is in cardiac arrest; and
(b) if needed:
(i) provide direction to start CPR;
(ii) offer instructions on how to perform CPR; or
(iii) offer instructions on how to use an AED, if one is available; and
(5) provide the information contained in the system described in Subsection (1), upon request, to the bureau.

Amended by Chapter 147, 2024 General Session

**53-2d-806 Education and training.**
(1) The office shall work in cooperation with federal, state, and local agencies and schools, to encourage individuals to complete courses on the administration of CPR and the use of an AED.
(2) A person who owns or leases an AED shall encourage each individual who is likely to use the AED to complete courses on the administration of CPR and the use of an AED.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-807 AEDs for demonstration purposes.**
(1) Any AED used solely for demonstration or training purposes, which is not operational for emergency use is, except for the provisions of this section, exempt from the provisions of this chapter.
(2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior of the AED that the AED is for demonstration or training use only.

Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-808 Tampering with an AED prohibited -- Penalties.**
A person is guilty of a class C misdemeanor if the person removes, tampers with, or otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:
(1) the person is authorized by the AED owner for the purpose of:
(a) inspecting the AED or AED cabinet or enclosure; or
(b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;
(2) the person is responding to, or providing care to, a potential sudden cardiac arrest patient; or
(3) the person acts in good faith with the intent to support, and not to violate, the recognized purposes of the AED.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

## Part 9
## Statewide Stroke and Cardiac Registries

**53-2d-901 Statewide stroke registry.**

(1) The bureau shall establish and supervise a statewide stroke registry to:
  (a) analyze information on the incidence, severity, causes, outcomes, and rehabilitation of stroke;
  (b) promote optimal care for stroke patients;
  (c) alleviate unnecessary death and disability from stroke;
  (d) encourage the efficient and effective continuum of patient care, including prevention, prehospital care, hospital care, and rehabilitative care; and
  (e) minimize the overall cost of stroke.

(2) The bureau shall utilize the registry established under Subsection (1) to assess:
  (a) the effectiveness of the data collected by the registry; and
  (b) the impact of the statewide stroke registry on the provision of stroke care.

(3)
  (a) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
    (i) the data elements that general acute hospitals shall report to the registry; and
    (ii) the time frame and format for reporting.
  (b) The data elements described in Subsection (3)(a)(i) shall include consensus metrics consistent with data elements used in nationally recognized data set platforms for stroke care.
  (c) The department shall permit a general acute hospital to submit data required under this section through an electronic exchange of clinical health information that meets the standards established by the department under Section 26B-8-411.

(4) A general acute hospital shall submit stroke data in accordance with rules established under Subsection (3).

(5) Data collected under this section shall be subject to Title 26B, Chapter 8, Part 4, Health Statistics.

(6) No person may be held civilly liable for providing data to the department in accordance with this section.

Renumbered and Amended by Chapter 308, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

**53-2d-902 Statewide cardiac registry.**

(1) The bureau shall establish and supervise a statewide cardiac registry to:
  (a) analyze information on the incidence, severity, causes, outcomes, and rehabilitation of cardiac diseases;
  (b) promote optimal care for cardiac patients;
  (c) alleviate unnecessary death and disability from cardiac diseases;
  (d) encourage the efficient and effective continuum of patient care, including prevention, prehospital care, hospital care, and rehabilitative care; and
  (e) minimize the overall cost of cardiac care.

(2) The bureau shall utilize the registry established under Subsection (1) to assess:
  (a) the effectiveness of the data collected by the registry; and
  (b) the impact of the statewide cardiac registry on the provision of cardiac care.

(3)

(a) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
(i) the data elements that general acute hospitals shall report to the registry; and
(ii) the time frame and format for reporting.
(b) The data elements described in Subsection (3)(a)(i) shall include consensus metrics consistent with data elements used in nationally recognized data set platforms for cardiac care.
(c) The bureau shall permit a general acute hospital to submit data required under this section through an electronic exchange of clinical health information that meets the standards established by the department under Section 26B-8-411.
(4) A general acute hospital shall submit cardiac data in accordance with rules established under Subsection (3).
(5) Data collected under this section shall be subject to Title 26B, Chapter 8, Part 4, Health Statistics.
(6) No person may be held civilly liable for providing data to the bureau in accordance with this section.

Renumbered and Amended by Chapter 308, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

## Chapter 2e
## EMS Personnel Licensure Interstate Compact

**53-2e-101 EMS Personnel Licensure Interstate Compact.**

EMS PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;

2. Enhance the states' ability to protect the public's health and safety, especially patient safety;

3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;

4. Support licensing of military members who are separating from an active duty tour and their spouses;

5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;

6. Promote compliance with the laws governing EMS personnel practice in each member state; and

7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

## SECTION 2. DEFINITIONS

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse Action" means: any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means: a voluntary, non-disciplinary substance use recovery program approved by a state EMS authority.

D. "Certification" means: the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

E. "Commission" means: the national administrative body of which all states that have enacted the compact are members.

F. "Emergency Medical Technician (EMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home State" means: a member state where an individual is licensed to practice emergency medical services.

H. "License" means: the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

I. "Medical Director" means: a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member State" means: a state that has enacted this compact.

K. "Privilege to Practice" means: an individual's authority to deliver emergency medical services in remote states as authorized under this compact.

L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

M. "Remote State" means: a member state in which an individual is not licensed.

N. "Restricted" means: the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means: a written statement by the interstate Commission promulgated pursuant to Section 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

P. "Scope of Practice" means: defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant Investigatory Information" means:

1. investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means: means any state, commonwealth, district, or territory of the United States.

S. "State EMS Authority" means: the board, office, or other agency with the legislative mandate to license EMS personnel.

## SECTION 3. HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. No later than five years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

## SECTION 4. COMPACT PRIVILEGE TO PRACTICE

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

1. Be at least 18 years of age;

2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

D. Except as provided in Section 4 subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;

2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

3. The individual enters a remote state to provide patient care and/or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

5. Other conditions as determined by rules promulgated by the commission.

SECTION 6. RELATIONSHIP TO EMERGENCY

MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING

FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the Adverse Actions provisions of Section VIII.

## SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

## SECTION 9. ADDITIONAL POWERS INVESTED

## IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

## SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section XII.

5. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

a. Non-compliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

a. for the establishment and meetings of other committees; and

b. governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;

7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;

9. The Commission shall maintain its financial records in accordance with the bylaws; and

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of EMS personnel licensure and practice.

E. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

F. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity,

for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

## SECTION 11. COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against an individual's license;
5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;
6. Non-confidential information related to alternative program participation;
7. Any denial of application for licensure, and the reason(s) for such denial; and
8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

## SECTION 12. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

## SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE

## COMMISSION FOR EMS PERSONNEL PRACTICE AND

## ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

Renumbered and Amended by Chapter 307, 2023 General Session
Renumbered and Amended by Chapter 310, 2023 General Session

# Chapter 3
# Uniform Driver License Act

## Part 1
## Driver License Division Administration

**53-3-101 Short title.**

This chapter is known as the "Uniform Driver License Act."

Renumbered and Amended by Chapter 234, 1993 General Session

***Superseded 1/1/2026***

**53-3-102 Definitions.**

As used in this chapter:

(1) "Autocycle" means a motor vehicle that:

(a) is designed to travel with three or fewer wheels in contact with the ground; and

(b) is equipped with:

(i) a steering mechanism;

(ii) seat belts; and

(iii) seating that does not require the operator to straddle or sit astride the motor vehicle.

(2) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.

(3) "Class D license" means the class of license issued to drive motor vehicles not defined as commercial motor vehicles or motorcycles under this chapter.

(4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

(a) issued under Section 53-3-408; or

(b) issued by a state or other jurisdiction of domicile in compliance with the standards contained in 49 C.F.R. Part 383.

(5) "Commercial driver license" or "CDL" means a license:

(a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

(6)

(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:

(i) applies to a person who holds or is required to hold a commercial driver instruction permit or a CDL license; and

(ii) contains the following:

(A) information contained in the driver history, including convictions, pleas held in abeyance, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, committed in any type of vehicle;

(B) driver self-certification status information under Section 53-3-410.1; and

(C) information from medical certification record keeping in accordance with 49 C.F.R. Sec. 383.73(o).

(b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a motor vehicle record described in Subsection (30).

(7)

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, or gross combination weight rating or gross combination weight of 26,001 or more pounds or a lesser rating as determined by federal regulation;

(ii) is designed to transport 16 or more passengers, including the driver; or

(iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

(b) The following vehicles are not considered a commercial motor vehicle for purposes of Part 4, Uniform Commercial Driver License Act:

(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation as a motor carrier for hire;

(iii) firefighting and emergency vehicles;
(iv) recreational vehicles that are not used in commerce and are driven solely as family or personal conveyances for recreational purposes; and
(v) vehicles used to provide transportation network services, as defined in Section 13-51-102.
(8) "Conviction" means any of the following:
(a) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an administrative proceeding;
(b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;
(c) a plea of guilty or nolo contendere accepted by the court;
(d) the payment of a fine or court costs; or
(e) violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.
(9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security, do not apply.
(10) "Director" means the division director appointed under Section 53-3-103.
(11) "Disqualification" means either:
(a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of a person's privileges to drive a commercial motor vehicle;
(b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386, that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part 391; or
(c) the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. Part 383.51.
(12) "Division" means the Driver License Division of the department created in Section 53-3-103.
(13) "Downgrade" means to obtain a lower license class than what was originally issued during an existing license cycle.
(14) "Drive" means:
(a) to operate or be in physical control of a motor vehicle upon a highway; and
(b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within the state.
(15)
(a) "Driver" means an individual who drives, or is in actual physical control of a motor vehicle in any location open to the general public for purposes of vehicular traffic.
(b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or federal law.
(16) "Driving privilege card" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained without providing evidence of lawful presence in the United States.
(17) "Electronic license certificate" means the evidence, in an electronic format as described in Section 53-3-235, of a privilege granted under this chapter to drive a motor vehicle.
(18) "Extension" means a renewal completed in a manner specified by the division.
(19) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
(20) "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 traffic.
(21) "Human driver" means the same as that term is defined in Section 41-26-102.1.

(22) "Identification card" means a card issued under Part 8, Identification Card Act, to a person for identification purposes.
(23) "Indigent" means that a person's income falls below the federal poverty guideline issued annually by the United States Department of Health and Human Services in the Federal Register.
(24) "License" means the privilege to drive a motor vehicle.
(25)
(a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle.
(b) "License certificate" evidence includes:
(i) a regular license certificate;
(ii) a limited-term license certificate;
(iii) a driving privilege card;
(iv) a CDL license certificate;
(v) a limited-term CDL license certificate;
(vi) a temporary regular license certificate;
(vii) a temporary limited-term license certificate; and
(viii) an electronic license certificate created in Section 53-3-235.
(26) "Limited-term commercial driver license" or "limited-term CDL" means a license:
(a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and
(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
(27) "Limited-term identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(ii).
(28) "Limited-term license certificate" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(B).
(29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
(30) "Motor vehicle record" or "MVR" means a driving record under Subsection 53-3-109(7)(a).
(31) "Motorboat" means the same as that term is defined in Section 73-18-2.
(32) "Motorcycle" means every 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.
(33) "Office of Recovery Services" means the Office of Recovery Services, created in Section 26B-9-103.
(34) "Operate" means the same as that term is defined in Section 41-1a-102.
(35)
(a) "Owner" means a person other than a lien holder having an interest in the property or title to a vehicle.
(b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

(36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge, or other financial penalty imposed on an individual by a court or other government entity.

(37)

(a) "Private passenger carrier" means any motor vehicle for hire that is:

(i) designed to transport 15 or fewer passengers, including the driver; and

(ii) operated to transport an employee of the person that hires the motor vehicle.

(b) "Private passenger carrier" does not include:

(i) a taxicab;

(ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;

(iii) a motor vehicle driven for transportation network services as defined in Section 13-51-102; and

(iv) a motor vehicle driven for a transportation network company as defined in Section 13-51-102 and registered with the Division of Consumer Protection as described in Section 13-51-104.

(38) "Regular identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

(39) "Regular license certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).

(40) "Renewal" means to validate a license certificate so that it expires at a later date.

(41) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221.

(42)

(a) "Resident" means an individual who:

(i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

(ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other than seasonal work in this state, and who does not commute into the state;

(iii) declares himself to be a resident of this state by obtaining a valid Utah driver license certificate or motor vehicle registration; or

(iv) declares himself a resident of this state to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees.

(b) "Resident" does not include any of the following:

(i) a member of the military, temporarily stationed in this state;

(ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the student engages in any type of employment in this state;

(iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned by or representing an employer, religious or private organization, or a governmental entity; or

(iv) an immediate family member who resides with or a household member of a person listed in Subsections (42)(b)(i) through (iii).

(43) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle.

(44)
(a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events.
(b) "School bus" does not include a bus used as a common carrier as defined in Section 59-12-102.
(45) "Suspension" means the temporary withdrawal by action of the division of a licensee's privilege to drive a motor vehicle.
(46) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire and that is subject to state or federal regulation as a taxi.

Amended by Chapter 517, 2024 General Session

***Effective 1/1/2026***
**53-3-102 Definitions.**
As used in this chapter:
(1) "Autocycle" means a motor vehicle that:
(a) is designed to travel with three or fewer wheels in contact with the ground; and
(b) is equipped with:
(i) a steering mechanism;
(ii) seat belts; and
(iii) seating that does not require the operator to straddle or sit astride the motor vehicle.
(2) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.
(3) "Class D license" means the class of license issued to drive motor vehicles not defined as commercial motor vehicles or motorcycles under this chapter.
(4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:
(a) issued under Section 53-3-408; or
(b) issued by a state or other jurisdiction of domicile in compliance with the standards contained in 49 C.F.R. Part 383.
(5) "Commercial driver license" or "CDL" means a license:
(a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and
(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(i).
(6)
(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:
(i) applies to a person who holds or is required to hold a commercial driver instruction permit or a CDL license; and
(ii) contains the following:
(A) information contained in the driver history, including convictions, pleas held in abeyance, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, committed in any type of vehicle;
(B) driver self-certification status information under Section 53-3-410.1; and
(C) information from medical certification record keeping in accordance with 49 C.F.R. Sec. 383.73(o).

(b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a motor vehicle record described in Subsection (32).

(7)

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, or gross combination weight rating or gross combination weight of 26,001 or more pounds or a lesser rating as determined by federal regulation;

(ii) is designed to transport 16 or more passengers, including the driver; or

(iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

(b) The following vehicles are not considered a commercial motor vehicle for purposes of Part 4, Uniform Commercial Driver License Act:

(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation as a motor carrier for hire;

(iii) firefighting and emergency vehicles;

(iv) recreational vehicles that are not used in commerce and are driven solely as family or personal conveyances for recreational purposes; and

(v) vehicles used to provide transportation network services, as defined in Section 13-51-102.

(8) "Conviction" means any of the following:

(a) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

(b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

(c) a plea of guilty or nolo contendere accepted by the court;

(d) the payment of a fine or court costs; or

(e) violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

(9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security, do not apply.

(10) "Director" means the division director appointed under Section 53-3-103.

(11) "Disqualification" means either:

(a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of a person's privileges to drive a commercial motor vehicle;

(b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386, that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part 391; or

(c) the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. Part 383.51.

(12) "Division" means the Driver License Division of the department created in Section 53-3-103.

(13) "Downgrade" means to obtain a lower license class than what was originally issued during an existing license cycle.

(14) "Drive" means:
(a) to operate or be in physical control of a motor vehicle upon a highway; and
(b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within the state.
(15)
(a) "Driver" means an individual who drives, or is in actual physical control of a motor vehicle in any location open to the general public for purposes of vehicular traffic.
(b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or federal law.
(16) "Driving privilege card" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained without providing evidence of lawful presence in the United States.
(17) "Electronic license certificate" means the evidence, in an electronic format as described in Section 53-3-235, of a privilege granted under this chapter to drive a motor vehicle.
(18) "Extension" means a renewal completed in a manner specified by the division.
(19) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
(20) "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 traffic.
(21) "Human driver" means the same as that term is defined in Section 41-26-102.1.
(22) "Identification card" means a card issued under Part 8, Identification Card Act, to a person for identification purposes.
(23) "Indigent" means that a person's income falls below the federal poverty guideline issued annually by the United States Department of Health and Human Services in the Federal Register.
(24) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
(25) "Interdicted person identifier" means language and other security features on a license certificate or identification card indicating that the person is an interdicted person, which features include:
(a) the language "No Alcohol Sale"; and
(b) other security features identifying the individual as being restricted from purchasing alcohol, including a prominent red stripe on the front of the license or identification card.
(26) "License" means the privilege to drive a motor vehicle.
(27)
(a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle.
(b) "License certificate" evidence includes:
(i) a regular license certificate;
(ii) a limited-term license certificate;
(iii) a driving privilege card;
(iv) a CDL license certificate;
(v) a limited-term CDL license certificate;
(vi) a temporary regular license certificate;
(vii) a temporary limited-term license certificate; and
(viii) an electronic license certificate created in Section 53-3-235.
(28) "Limited-term commercial driver license" or "limited-term CDL" means a license:
(a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform

Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

(29) "Limited-term identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(ii).

(30) "Limited-term license certificate" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

(31) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

(32) "Motor vehicle record" or "MVR" means a driving record under Subsection 53-3-109(7)(a).

(33) "Motorboat" means the same as that term is defined in Section 73-18-2.

(34) "Motorcycle" means every 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.

(35) "Office of Recovery Services" means the Office of Recovery Services, created in Section 26B-9-103.

(36) "Operate" means the same as that term is defined in Section 41-1a-102.

(37)

(a) "Owner" means a person other than a lien holder having an interest in the property or title to a vehicle.

(b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

(38) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge, or other financial penalty imposed on an individual by a court or other government entity.

(39)

(a) "Private passenger carrier" means any motor vehicle for hire that is:

(i) designed to transport 15 or fewer passengers, including the driver; and

(ii) operated to transport an employee of the person that hires the motor vehicle.

(b) "Private passenger carrier" does not include:

(i) a taxicab;

(ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;

(iii) a motor vehicle driven for transportation network services as defined in Section 13-51-102; and

(iv) a motor vehicle driven for a transportation network company as defined in Section 13-51-102 and registered with the Division of Consumer Protection as described in Section 13-51-104.

(40) "Regular identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

(41) "Regular license certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).

(42) "Renewal" means to validate a license certificate so that it expires at a later date.

(43) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221.

(44)

(a) "Resident" means an individual who:

(i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

(ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other than seasonal work in this state, and who does not commute into the state;

(iii) declares himself to be a resident of this state by obtaining a valid Utah driver license certificate or motor vehicle registration; or

(iv) declares himself a resident of this state to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees.

(b) "Resident" does not include any of the following:

(i) a member of the military, temporarily stationed in this state;

(ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the student engages in any type of employment in this state;

(iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned by or representing an employer, religious or private organization, or a governmental entity; or

(iv) an immediate family member who resides with or a household member of a person listed in Subsections (44)(b)(i) through (iii).

(45) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle.

(46)

(a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events.

(b) "School bus" does not include a bus used as a common carrier as defined in Section 59-12-102.

(47) "Suspension" means the temporary withdrawal by action of the division of a licensee's privilege to drive a motor vehicle.

(48) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire and that is subject to state or federal regulation as a taxi.

Amended by Chapter 471, 2025 General Session

**53-3-103 Driver License Division -- Creation -- Director -- Appointment -- Term -- Compensation.**

(1) There is created within the department the Driver License Division.

(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.

(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.

(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.
(5) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

***Superseded 1/1/2026***
**53-3-104 Division duties.**
The division shall:
(1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:
(a) for examining applicants for a license, as necessary for the safety and welfare of the traveling public;
(b) for acceptable documentation of an applicant's identity, Social Security number, Utah resident status, Utah residence address, proof of legal presence, proof of citizenship in the United States, honorable or general discharge from the United States military, and other proof or documentation required under this chapter;
(c) for acceptable documentation to verify that an individual is in the state's legal custody as verified by the Division of Child and Family Services within the Department of Health and Human Services, for purposes of residency and address verification;
(d) to allow an individual who is verified to be in the legal custody of the state pursuant to Subsection (1)(c) to use the address of a local Division of Child and Family Services office as the individual's residence address;
(e) for acceptable documentation to verify that an individual is homeless as verified by the Department of Workforce Services, for purposes of residency, address verification, and obtaining a fee waiver;
(f) regarding the restrictions to be imposed on an individual driving a motor vehicle with a temporary learner permit or learner permit;
(g) for exemptions from licensing requirements as authorized in this chapter;
(h) establishing procedures for the storage and maintenance of applicant information provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and
(i) to provide educational information to each applicant for a license, which information shall be based on data provided by the Division of Air Quality, including:
(i) ways drivers can improve air quality; and
(ii) the harmful effects of vehicle emissions;
(2) examine each applicant according to the class of license applied for;
(3) license motor vehicle drivers;
(4) file every application for a license received by the division and shall maintain indices containing:
(a) all applications denied and the reason each was denied;
(b) all applications granted; and
(c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;
(5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;
(6) file all accident reports and abstracts of court records of convictions received by the division under state law;
(7) maintain a record of each licensee showing the licensee's convictions and the traffic accidents in which the licensee has been involved where a conviction has resulted;

(8) consider the record of a licensee upon an application for renewal of a license and at other appropriate times;
(9) search the license files, compile, and furnish a report on the driving record of any individual licensed in the state in accordance with Section 53-3-109;
(10) develop and implement a record system as required by Section 41-6a-604;
(11) in accordance with Section 53G-10-507, establish:
(a) procedures and standards to certify teachers of driver education classes to administer knowledge and skills tests;
(b) minimal standards for the tests; and
(c) procedures to enable school districts to administer or process any tests for students to receive a class D operator's license;
(12) in accordance with Section 53-3-510, establish:
(a) procedures and standards to certify licensed instructors of commercial driver training school courses to administer the skills test;
(b) minimal standards for the test; and
(c) procedures to enable licensed commercial driver training schools to administer or process skills tests for students to receive a class D operator's license;
(13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303;
(14) upon request by the lieutenant governor, provide the lieutenant governor with a digital copy of the driver license or identification card signature of an individual who is an applicant for voter registration under Section 20A-2-206;
(15) in accordance with Section 53-3-407.1, establish:
(a) procedures and standards to license a commercial driver license third party tester or commercial driver license third party examiner to administer the commercial driver license skills tests;
(b) minimum standards for the commercial driver license skills test; and
(c) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer a commercial driver license skills test for an applicant to receive a commercial driver license; and
(16) receive from the Department of Health and Human Services a result from a blood or urine test of an individual arrested for driving under the influence and use the blood or urine test result in an administrative hearing or agency review involving the individual who is the subject of the blood or urine test as described in Section 53-3-111.

Amended by Chapter 447, 2025 General Session

***Effective 1/1/2026***

**53-3-104 Division duties.**

The division shall:
(1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:
(a) for examining applicants for a license, as necessary for the safety and welfare of the traveling public;
(b) for acceptable documentation of an applicant's identity, Social Security number, Utah resident status, Utah residence address, proof of legal presence, proof of citizenship in the United States, honorable or general discharge from the United States military, and other proof or documentation required under this chapter;

(c) for acceptable documentation to verify that an individual is in the state's legal custody as verified by the Division of Child and Family Services within the Department of Health and Human Services, for purposes of residency and address verification;
(d) to allow an individual who is verified to be in the legal custody of the state pursuant to Subsection (1)(c) to use the address of a local Division of Child and Family Services office as the individual's residence address;
(e) for acceptable documentation to verify that an individual is homeless as verified by the Department of Workforce Services, for purposes of residency, address verification, and obtaining a fee waiver;
(f) regarding the restrictions to be imposed on an individual driving a motor vehicle with a temporary learner permit or learner permit;
(g) regarding the format and restrictions for an interdicted person identifier on a license certificate and identification card;
(h) for exemptions from licensing requirements as authorized in this chapter;
(i) establishing procedures for the storage and maintenance of applicant information provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and
(j) to provide educational information to each applicant for a license, which information shall be based on data provided by the Division of Air Quality, including:
(i) ways drivers can improve air quality; and
(ii) the harmful effects of vehicle emissions;
(2) examine each applicant according to the class of license applied for;
(3) license motor vehicle drivers;
(4) file every application for a license received by the division and shall maintain indices containing:
(a) all applications denied and the reason each was denied;
(b) all applications granted; and
(c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;
(5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;
(6) file all accident reports and abstracts of court records of convictions received by the division under state law;
(7) maintain a record of each licensee showing the licensee's convictions and the traffic accidents in which the licensee has been involved where a conviction has resulted;
(8) consider the record of a licensee upon an application for renewal of a license and at other appropriate times;
(9) search the license files, compile, and furnish a report on the driving record of any individual licensed in the state in accordance with Section 53-3-109;
(10) develop and implement a record system as required by Section 41-6a-604;
(11) in accordance with Section 53G-10-507, establish:
(a) procedures and standards to certify teachers of driver education classes to administer knowledge and skills tests;
(b) minimal standards for the tests; and
(c) procedures to enable school districts to administer or process any tests for students to receive a class D operator's license;
(12) in accordance with Section 53-3-510, establish:
(a) procedures and standards to certify licensed instructors of commercial driver training school courses to administer the skills test;
(b) minimal standards for the test; and

(c) procedures to enable licensed commercial driver training schools to administer or process skills tests for students to receive a class D operator's license;
(13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303;
(14) upon request by the lieutenant governor, provide the lieutenant governor with a digital copy of the driver license or identification card signature of an individual who is an applicant for voter registration under Section 20A-2-206;
(15) in accordance with Section 53-3-407.1, establish:
(a) procedures and standards to license a commercial driver license third party tester or commercial driver license third party examiner to administer the commercial driver license skills tests;
(b) minimum standards for the commercial driver license skills test; and
(c) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer a commercial driver license skills test for an applicant to receive a commercial driver license;
(16) receive from the Department of Health and Human Services a result from a blood or urine test of an individual arrested for driving under the influence and use the blood or urine test result in an administrative hearing or agency review involving the individual who is the subject of the blood or urine test as described in Section 53-3-111; and
(17) as soon as practicable, ensure that a license and identification card includes the ability to provide information about restrictions on the license or identification card through an electronic scan.

Amended by Chapter 471, 2025 General Session

***Superseded 1/1/2026***

**53-3-105 Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.**

Except as provided in Subsection (39), the following fees apply under this chapter:
(1) An original class D license application under Section 53-3-205 is $52.
(2) An original provisional license application for a class D license under Section 53-3-205 is $39.
(3) An original limited term license application under Section 53-3-205 is $32.
(4) An original application for a motorcycle endorsement under Section 53-3-205 is $18.
(5) An original application for a taxicab endorsement under Section 53-3-205 is $14.
(6) A learner permit application under Section 53-3-210.5 is $19.
(7) A renewal of a class D license under Section 53-3-214 is $52 unless Subsection (12) applies.
(8) A renewal of a provisional license application for a class D license under Section 53-3-214 is $52.
(9) A renewal of a limited term license application under Section 53-3-214 is $32.
(10) A renewal of a motorcycle endorsement under Section 53-3-214 is $18.
(11) A renewal of a taxicab endorsement under Section 53-3-214 is $14.
(12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is $27.
(13) An extension of a class D license under Section 53-3-214 is $42 unless Subsection (17) applies.
(14) An extension of a provisional license application for a class D license under Section 53-3-214 is $42.
(15) An extension of a motorcycle endorsement under Section 53-3-214 is $18.
(16) An extension of a taxicab endorsement under Section 53-3-214 is $14.

(17) An extension of a class D license for an individual 65 and older under Section 53-3-214 is $22.
(18) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is $52.
(19) A commercial class A, B, or C license skills test is $78.
(20) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is $9.
(21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is $9.
(22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is $9.
(23)
(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is $26.
(b) A retake of a CDL skills test provided for in Section 53-3-205 is $52.
(24) A retake of a CDL endorsement test provided for in Section 53-3-205 is $9.
(25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is $23.
(26)
(a) A license reinstatement application under Section 53-3-205 is $40.
(b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is $45 in addition to the fee under Subsection (26)(a).
(27)
(a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is $255.
(b) This administrative fee is in addition to the fees under Subsection (26).
(28)
(a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is $8.
(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.
(29) A rescheduling fee under Section 53-3-205 or 53-3-407 is $25.
(30)
(a) Except as provided under Subsections (30)(b) and (c), an identification card application under Section 53-3-808 is $23.
(b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is $17.
(c) A fee may not be charged for an identification card application if the individual applying:
(i)
(A) has not been issued a Utah driver license;
(B) is indigent; and
(C) is at least 18 years old;
(ii) submits written verification that the individual is homeless, as defined in Section 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
(A) a homeless shelter, as defined in Section 35A-16-305;
(B) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;

(C) the Department of Workforce Services; or
(D) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
(iii) is under the age of 26 and submits written verification that the individual:
(A) is in the custody of the Division of Child and Family Services; or
(B) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.

(31)
(a) An extension of a regular identification card under Subsection 53-3-807(4) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is $17.
(b) The fee described in Subsection (31)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
(i) a homeless shelter, as defined in Section 35A-16-305;
(ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
(iii) the Department of Workforce Services;
(iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113; or
(v) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

(32)
(a) An extension of a regular identification card under Subsection 53-3-807(5) is $23.
(b) The fee described in Subsection (32)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, from:
(i) a homeless shelter, as defined in Section 35A-16-305;
(ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
(iii) the Department of Workforce Services; or
(iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113.

(33) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
(34) An original mobility vehicle permit application under Section 41-6a-1118 is $30.
(35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is $30.
(36) A duplicate mobility vehicle permit under Section 41-6a-1118 is $12.
(37) An original driving privilege card application under Section 53-3-207 is $32.
(38) A renewal of a driving privilege card application under Section 53-3-207 is $23.
(39) A fee may not be charged for an original class D license application, original provisional license application for a class D license, or a learner permit application if the individual applying is:
(a) under the age of 26; and
(b) submits written verification that the individual:
(i) is in the custody of the Division of Child and Family Services; or

(ii) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.

Amended by Chapter 527, 2024 General Session

***Effective 1/1/2026***

**53-3-105 Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.**

Except as provided in Subsection (39), the following fees apply under this chapter:

(1) An original class D license application under Section 53-3-205 is $52.

(2) An original provisional license application for a class D license under Section 53-3-205 is $39.

(3) An original limited term license application under Section 53-3-205 is $32.

(4) An original application for a motorcycle endorsement under Section 53-3-205 is $18.

(5) An original application for a taxicab endorsement under Section 53-3-205 is $14.

(6) A learner permit application under Section 53-3-210.5 is $19.

(7) A renewal of a class D license under Section 53-3-214 is $52 unless Subsection (12) applies.

(8) A renewal of a provisional license application for a class D license under Section 53-3-214 is $52.

(9) A renewal of a limited term license application under Section 53-3-214 is $32.

(10) A renewal of a motorcycle endorsement under Section 53-3-214 is $18.

(11) A renewal of a taxicab endorsement under Section 53-3-214 is $14.

(12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is $27.

(13) An extension of a class D license under Section 53-3-214 is $42 unless Subsection (17) applies.

(14) An extension of a provisional license application for a class D license under Section 53-3-214 is $42.

(15) An extension of a motorcycle endorsement under Section 53-3-214 is $18.

(16) An extension of a taxicab endorsement under Section 53-3-214 is $14.

(17) An extension of a class D license for an individual 65 and older under Section 53-3-214 is $22.

(18) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is $52.

(19) A commercial class A, B, or C license skills test is $78.

(20) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is $9.

(21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is $9.

(22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is $9.

(23)

(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is $26.

(b) A retake of a CDL skills test provided for in Section 53-3-205 is $52.

(24) A retake of a CDL endorsement test provided for in Section 53-3-205 is $9.

(25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is $23.

(26)

(a) A license reinstatement application under Section 53-3-205 is $40.

(b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is $45 in addition to the fee under Subsection (26)(a).

(27)
(a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is $255.
(b) This administrative fee is in addition to the fees under Subsection (26).
(28)
(a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is $8.
(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.
(29) A rescheduling fee under Section 53-3-205 or 53-3-407 is $25.
(30)
(a) Except as provided under Subsections (30)(b) and (c), an identification card application under Section 53-3-808 is $23.
(b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is $17.
(c) A fee may not be charged for an identification card application if the individual applying:
(i)
(A) has not been issued a Utah driver license;
(B) is indigent; and
(C) is at least 18 years old;
(ii) submits written verification that the individual is homeless, as defined in Section 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
(A) a homeless shelter, as defined in Section 35A-16-305;
(B) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
(C) the Department of Workforce Services; or
(D) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
(iii) is under 26 years old and submits written verification that the individual:
(A) is in the custody of the Division of Child and Family Services; or
(B) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.
(31)
(a) An extension of a regular identification card under Subsection 53-3-807(4) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is $17.
(b) The fee described in Subsection (31)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
(i) a homeless shelter, as defined in Section 35A-16-305;
(ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
(iii) the Department of Workforce Services;
(iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113; or

(v) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

(32)

(a) An extension of a regular identification card under Subsection 53-3-807(5) is $23.

(b) The fee described in Subsection (32)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, from:

(i) a homeless shelter, as defined in Section 35A-16-305;

(ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;

(iii) the Department of Workforce Services; or

(iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113.

(33) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

(34) An original mobility vehicle permit application under Section 41-6a-1118 is $30.

(35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is $30.

(36) A duplicate mobility vehicle permit under Section 41-6a-1118 is $12.

(37) An original driving privilege card application under Section 53-3-207 is $32.

(38) A renewal of a driving privilege card application under Section 53-3-207 is $23.

(39) A fee may not be charged for an original class D license application, original provisional license application for a class D license, or a learner permit application if the individual applying is:

(a) under the 26 years old; and

(b) submits written verification that the individual:

(i) is in the custody of the Division of Child and Family Services; or

(ii) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.

(40) An administrative fee to add an interdicted person identifier to a license certificate under Section 53-3-236 or identification card under Section 53-3-805 is $7.

Amended by Chapter 471, 2025 General Session

**53-3-106 Disposition of revenues under this chapter -- Restricted account created -- Uses as provided by appropriation -- Nonlapsing.**

(1) There is created within the Transportation Fund a restricted account known as the "Department of Public Safety Restricted Account."

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

(a) all money received under this chapter;

(b) administrative fees received according to the fee schedule authorized under this chapter and Section 63J-1-504;

(c) beginning on January 1, 2013, money received in accordance with Section 41-1a-1201; and

(d) any appropriations made to the account by the Legislature.

(3)

(a) The account shall earn interest.

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

(4) The expenses of the department in carrying out this chapter shall be provided for by legislative appropriation from this account.
(5) The amount in excess of $45 of the fees collected under Subsection 53-3-105(27) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117, except that of the amount in excess of $45, $100 shall be deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.
(6) All money received under Subsection 41-6a-1406(7)(b)(ii) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117.
(7) Beginning in fiscal year 2009-10, the Legislature shall appropriate $100,000 annually from the account to the state medical examiner appointed under Section 26B-8-202 for use in carrying out duties related to highway crash deaths under Subsection 26B-8-205(1).
(8) The division shall remit the fees collected under Subsection 53-3-105(31) to the Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
(9)
  (a) Beginning on January 1, 2013, the Legislature shall appropriate all money received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for field operations.
  (b) The Legislature may appropriate additional money from the account to the Utah Highway Patrol Division for law enforcement purposes.
(10) Appropriations to the department from the account are nonlapsing.
(11) The department shall report to the Department of Health and Human Services, on or before December 31, the amount the department expects to collect under Subsection 53-3-105(27) in the next fiscal year.

Amended by Chapter 134, 2024 General Session

**53-3-108 Authority to administer oaths.**

Officers and employees of the division designated by the director for the purpose of administering this chapter may administer oaths and acknowledge signatures and shall do so without fee.

Enacted by Chapter 216, 1999 General Session

**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 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 (8), 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 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).
(4)
(a) Notwithstanding Subsection (1)(a), the division may provide a "yes" or "no" response to an electronically submitted request to verify information from a driver license or identification card issued by the division if:
(i) the request is made by a private entity operating under the Transportation Security Administration Registered Traveler program;
(ii) the private entity implements the Transportation Security Administration enrollment standards; and
(iii) the program participant:
(A) voluntarily provides the participant's division-issued identification to confirm the participant's identity; and
(B) consents to verification of the participant's name, date of birth, and home address.
(b) The data described in Subsection (4)(a)(iii)(B) may only be used to enroll or reenroll the participant in the Transportation Security Administration Registered Traveler program.
(c) The division may not furnish a "yes" response under Subsection (4)(a) unless all data fields match.
(5) 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;
(c) established in accordance with Section 63J-1-504, for disclosing personal identifying information under Subsection (1)(b); and
(d) established in accordance with Section 63J-1-504, for each response under Subsection (4).
(6) 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.
(7)
(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 (7)(a) does not apply to court or law enforcement reports, reports of commercial driver license violations, or reports for commercial driver license holders.
(8)
(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 (8)(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 (8)(b); and

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

(b) 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:

(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 (8)(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 (8)(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 (8)(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 (8)(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 (8)(a)(iii)(B) or (8)(c)(i).

(ii)

(A) Except as provided in Subsection (8)(e)(ii)(B), if an individual makes a request as described in Subsection (8)(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 identifying information as described in Subsection (8)(e)(ii)(A) from data released to a research study before the date of the request described in Subsection (8)(c)(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.

(9) 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).

(10)
(a) It is a class B misdemeanor for a person to knowingly or intentionally access, 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.

Amended by Chapter 517, 2024 General Session

**53-3-110 Reciprocity agreements.**

(1) The division may negotiate and enter into an agreement of reciprocity with a foreign jurisdiction or country to facilitate the exchange of a driver license.
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to establish the process for creating, entering into, and maintaining a reciprocity agreement.

Enacted by Chapter 443, 2023 General Session

**53-3-111 Blood and urine test reports -- Permissible uses and restrictions.**

(1) The division shall receive a result of a blood or urine test report in accordance with Title 26B, Chapter 8, Part 4, Health Statistics.

(2)
(a) The division may only use an individual's personally identifiable health data from a blood and urine test in connection with:
(i) an administrative hearing involving that individual;
(ii) in accordance with Title 63G, Chapter 4, Part 3, Agency Review, an agency review of the administrative hearing described in Subsection (2)(a)(i); or
(iii) in accordance with Title 63G, Chapter 4, Part 4, Judicial Review, a judicial review of the administrative hearing described in Subsection (2)(a)(i).

(b)
(i) The division shall aggregate and anonymize data from a blood and urine test.
(ii) The division may only use the anonymized and aggregated data from blood and urine tests:
(A) to create a report required or requested by the Legislature; or
(B) to create statistical reports for criminal justice agencies.

(3) The division shall securely retain each blood and urine test as a private record as provided in Title 63G, Chapter 2, Government Records Access and Management Act.

(4) The division may provide the information from a blood and urine test received under this section:
(a) to the individual who is the subject of the blood and urine test;
(b) to the individual's attorney in connection with an administrative proceeding before the division; or
(c) as otherwise required by law.

Enacted by Chapter 106, 2024 General Session

## Part 2
## Driver Licensing Act

**53-3-201 Short title.**
This part is known as the "Driver Licensing Act."

Enacted by Chapter 234, 1993 General Session

**53-3-202 Drivers must be licensed -- Violation.**
(1) A human driver may not drive a motor vehicle or an autocycle on a highway in this state unless the human driver is:
(a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;
(b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;
(c)
(i) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways; and
(ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;
(d) a nonresident who is at least 16 years old and younger than 18 years old who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
(e) a nonresident who is at least 18 years old and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
(f) driving under a learner permit in accordance with Section 53-3-210.5;
(g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or
(h) exempt under Title 41, Chapter 22, Off-highway Vehicles.
(2) A human driver may not drive a motor vehicle or perform lateral or longitudinal vehicle motion control for a vehicle being towed by another motor vehicle upon a highway unless the human driver:

(a) is licensed under this chapter to drive a motor vehicle of the type or class of motor vehicle being towed; or
(b) is exempted under either Subsection (1)(b) or (1)(c).

(3)
(a) A human driver may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a valid class D driver license issued by the division.
(b) A human driver may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the human driver has:
(i) a taxicab endorsement issued by the division on the human driver's license certificate; or
(ii) a commercial driver license with:
(A) a taxicab endorsement;
(B) a passenger endorsement; or
(C) a school bus endorsement.
(c) Nothing in Subsection (3)(b) is intended to exempt a human driver driving a motor vehicle as a private passenger carrier from regulation under other statutory and regulatory schemes, including:
(i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;
(ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4)
(a) Except as provided in Subsections (4)(b), (c), (d), and (e), a human driver may not operate:
(i) a motorcycle unless the human driver has a valid class D driver license and a motorcycle endorsement issued under this chapter;
(ii) a street legal all-terrain vehicle unless the human driver has a valid class D driver license; or
(iii) a motor-driven cycle unless the human driver has a valid class D driver license and a motorcycle endorsement issued under this chapter.
(b) A human driver operating a moped, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement issued under this chapter.
(c) An individual operating an electric assisted bicycle, as defined in Section 41-6a-102, is not required to have a valid class D driver license or a motorcycle endorsement issued under this chapter.
(d) An individual is not required to have a valid class D driver license if the person is:
(i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section 41-6a-1115; or
(ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in accordance with Section 41-6a-1116.
(e) A human driver operating an autocycle is not required to have a motorcycle endorsement issued under this chapter.

(5) An automated driving system as defined in Section 41-26-102.1 is not required to have a driver license.

(6)
(a) A person who violates this section is guilty of an infraction.
(b) Except as provided in Subsection (6)(d), a person who violates Subsection (4)(a)(i) or (4)(a)(iii) is subject to a minimum fine of $350.

(c) The fine described in Subsection (6)(b) is in addition to any other fine for a violation of Title 41, Chapter 6a, Traffic Code, or a local ordinance related to the operation of the motorcycle.
(d)
(i) A court shall waive the fine imposed under Subsection (6)(b) if the person provides to the court within 30 days of the date of the entry of a plea or sentencing, whichever is later, proof that the person has been issued a motorcycle endorsement as provided in this chapter.
(ii) A court may extend the 30-day time period described in Subsection (6)(d)(i) for a reasonable time period for the person to obtain a motorcycle endorsement for good cause shown.

Amended by Chapter 229, 2025 General Session

**53-3-203 Authorizing or permitting driving in violation of chapter -- Renting of motor vehicles -- License requirements -- Employees must be licensed -- Violations.**
(1) A person may not authorize or knowingly permit a motor vehicle owned by the person or under the person's control to be driven by a person in violation of this chapter.
(2)
(a) A person may not rent a motor vehicle to another person unless the person who will be the driver is licensed in this state, or in the case of a nonresident, licensed under the laws of the state or country of his residence.
(b) A person may not rent a motor vehicle to another person until the person:
(i) has inspected the license certificate of the person who will be the driver; and
(ii) verified the signature on the license certificate by comparison with the signature of the person who will be the driver written in his presence.
(c)
(i) A person may verify the information described in Subsection (2)(b) for a subsequent vehicle rental through the use of an electronic system maintained by the person for the purposes of expediting the vehicle rental process.
(ii) The electronic system described in Subsection (2)(c)(i) may contain information voluntarily provided by the person who will be the driver including:
(A) information included on the driver license certificate; and
(B) biometric information.
(d) A person renting a motor vehicle to another shall keep a record of the:
(i) registration number of the rented motor vehicle;
(ii) name and address of the person to whom the motor vehicle is rented;
(iii) number of the license certificate of the renter; and
(iv) date and place the license certificate was issued.
(e) The record is open to inspection by any peace officer or officer or employee of the division.
(3) A person may not employ a person to drive a motor vehicle who is not licensed as required under this chapter.
(4) A person who violates this section is guilty of an infraction.

Amended by Chapter 390, 2020 General Session

**53-3-204 Persons who may not be licensed.**
(1)
(a) The division may not license a person who:
(i) is younger than 16 years old;

(ii) if the person is 18 years old or younger, has not completed a course in driver training approved by the commissioner;
(iii) if the person is 19 years old or older has not completed:
(A) a course in driver training approved by the commissioner; or
(B) the requirements under Subsection 53-3-210.5(6)(c);
(iv) if the person is a minor as defined in Section 53-3-211, has not completed the driving requirement under Section 53-3-211;
(v) is not a resident of the state, unless the person:
(A) is issued a temporary CDL under Subsection 53-3-407(2)(b) prior to July 1, 2015; or
(B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;
(vi) if the person is 17 years old or younger, has not held a learner permit issued under Section 53-3-210.5 or an equivalent by another state or branch of the United States Armed Forces for six months; or
(vii) is younger than 18 years old and applying for a CDL under 49 C.F.R. Part 383.
(b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:
(i) who has been licensed before July 1, 1967; or
(ii) who is 16 years old or older making application for a license who has been licensed in another state or country.
(2) The division may not issue a license certificate to a person:
(a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;
(b) whose privilege has been revoked, except as provided in Section 53-3-225;
(c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;
(d) who is required by this chapter to take an examination unless the person successfully passes the examination;
(e) whose driving privileges have been denied or suspended under:
(i) Section 80-6-707 by an order of the juvenile court; or
(ii) Section 53-3-231; or
(f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card issued under Part 8, Identification Card Act, unless:
(i) the Utah identification card is canceled; and
(ii) if the Utah identification card is in the person's possession, the Utah identification card is surrendered to the division.
(3)
(a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle endorsement to a person who:
(i) has not been granted an original or provisional class D license, a CDL, or an out-of-state equivalent to an original or provisional class D license or a CDL; and
(ii) if the person is under 19 years old, has not held a motorcycle learner permit for two months unless Subsection (3)(b) applies.
(b) The division may waive the two month motorcycle learner permit holding period requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division that the person has completed a motorcycle rider education program that meets the requirements under Section 53-3-903.
(c) The division may grant a motorcycle endorsement to a person under 19 years old who has not held a motorcycle learner permit for two months if the person was issued a motorcycle endorsement prior to July 1, 2008.

(4) The division may grant a class D license to a person whose commercial license is disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not otherwise sanctioned under this chapter.

Amended by Chapter 262, 2021 General Session

**53-3-205 Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.**

(1) An application for an original license, provisional license, or endorsement shall be:
  (a) made upon a form furnished by the division; and
  (b) accompanied by a nonrefundable fee set under Section 53-3-105.
(2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:
  (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months after the date of the application;
  (b) a learner permit if needed pending completion of the application and testing process; and
  (c) an original class D license and license certificate after all tests are passed and requirements are completed.
(3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:
  (a) not more than three attempts to pass both the knowledge and skills tests within six months after the date of the application;
  (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
  (c) a motorcycle or taxicab endorsement when all tests are passed.
(4) An application for a commercial class A, B, or C license entitles the applicant to:
  (a) not more than two attempts to pass a knowledge test when accompanied by the fee provided in Subsection 53-3-105(18);
  (b) not more than two attempts to pass a skills test when accompanied by a fee in Subsection 53-3-105(19) within six months after the date of application;
  (c) both a commercial driver instruction permit and a temporary license permit for the license class held before the applicant submits the application if needed after the knowledge test is passed; and
  (d) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.
(5) An application and fee for a CDL endorsement entitle the applicant to:
  (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months after the date of the application; and
  (b) a CDL endorsement when all tests are passed.
(6)
  (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the number of attempts provided in Subsection (4) or (5), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.
  (b)
    (i) An out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if the out-of-state resident pays the fee provided in Subsection 53-3-105(19).
    (ii) The division shall:

(A) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the out-of-state resident has obtained a valid CDIP; and
(B) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.

(7)
(a)
(i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class D license expires on the birth date of the applicant in the eighth year after the year the license certificate was issued.
(ii) An original provisional class D license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.
(iii) Except as provided in Subsection (7)(f), a limited term class D license expires on the birth date of the applicant in the fifth year the license certificate was issued.
(b) Except as provided under Subsections (7)(f) and (g), a renewal or an extension to a license expires on the birth date of the licensee in the eighth year after the expiration date of the license certificate renewed or extended.
(c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on the same date as the last license certificate issued.
(d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.
(e)
(i) A regular license certificate and an endorsement to the regular license certificate held by an individual described in Subsection (7)(e)(ii), that expires during the time period the individual is stationed outside of the state, is valid until 90 days after the individual's orders are terminated, the individual is discharged, or the individual's assignment is changed or terminated, unless:
(A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or
(B) the licensee updates the information or photograph on the license certificate.
(ii) The provisions in Subsection (7)(e)(i) apply to an individual:
(A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;
(B) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;
(C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or
(D) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.
(f)
(i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:
(A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or
(B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.

(ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fifth year following the year that the limited-term license certificate was issued.

(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed.

(8)

(a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, an applicant shall:

(i) provide:

(A) the applicant's full legal name;

(B) the applicant's birth date;

(C) the applicant's sex;

(D)

(I) documentary evidence of the applicant's valid social security number;

(II) written proof that the applicant is ineligible to receive a social security number;

(III) the applicant's temporary identification number (ITIN) issued by the Internal Revenue Service for an individual who:

(Aa) does not qualify for a social security number; and

(Bb) is applying for a driving privilege card; or

(IV) other documentary evidence approved by the division;

(E) the applicant's Utah residence address as documented by a form or forms acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and

(F) fingerprints, or a fingerprint confirmation form described in Subsection 53-3-205.5(1)(a)(ii), and a photograph in accordance with Section 53-3-205.5 if the applicant is applying for a driving privilege card;

(ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:

(A) that the applicant is:

(I) a United States citizen;

(II) a United States national; or

(III) a legal permanent resident alien; or

(B) of the applicant's:

(I) unexpired immigrant or nonimmigrant visa status for admission into the United States;

(II) pending or approved application for asylum in the United States;

(III) admission into the United States as a refugee;

(IV) pending or approved application for temporary protected status in the United States;

(V) approved deferred action status;

(VI) pending application for adjustment of status to legal permanent resident or conditional resident; or

(VII) conditional permanent resident alien status;

(iii) provide a description of the applicant;

(iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;

(v) state whether the applicant has ever had a license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had a license

application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;

(vi) state whether the applicant intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

(vii) state whether the applicant is required to register as a sex offender, kidnap offender, or child abuse offender, in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry;

(viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the Department of Veterans and Military Affairs;

(ix) provide all other information the division requires; and

(x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.

(b) Unless the applicant provides acceptable verification of homelessness as described in rules made by the division, an applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).

(c) An applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

(d) The division shall maintain on the division's computerized records an applicant's:

(i)

(A) social security number;

(B) temporary identification number (ITIN); or

(C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

(ii) indication whether the applicant is required to register as a sex offender, kidnap offender, or child abuse offender in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

(9) The division shall require proof of an applicant's name, birth date, and birthplace by at least one of the following means:

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

(d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.

(10)

(a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than what the applicant originally was issued:

(i) the license application is treated as an original application; and

(ii) license and endorsement fees is assessed under Section 53-3-105.

(b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:

(i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and

(ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a duplicate license is issued under Subsection (10)(b)(i).

(c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):

(i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and
(ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a duplicate license is issued under Subsection (10)(c)(i).

(11)
(a) When an application is received from an applicant previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.
(b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state.

(12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license is accompanied by the additional fee or fees specified in Section 53-3-105.

(13) An individual who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.

(14) An applicant who applies for an original license or renewal of a license agrees that the individual's license is subject to a suspension or revocation authorized under this title or Title 41, Motor Vehicles.

(15)
(a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi) in accordance with division rule.
(b)
(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an anatomical gift.
(ii) An organ procurement organization may use released information only to:
(A) obtain additional information for an anatomical gift registry; and
(B) inform licensees of anatomical gift options, procedures, and benefits.

(16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all applicants who indicate their status as a veteran under Subsection (8)(a)(viii).

(17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse Offender Registry office in the Department of Public Safety, the names and addresses of all applicants who, under Subsection (8)(a)(vii), indicate they are required to register as a sex offender, kidnap offender, or child abuse offender in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

(18) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:
(a) loss;
(b) detriment; or
(c) injury.

(19) An applicant who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

(20) A person may not hold both an unexpired Utah license certificate and an unexpired identification card.

(21)

(a) An applicant who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the applicant:
(i) is a resident of the state of Utah;
(ii)
(A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or
(B) is an immediate family member or dependent of an individual described in Subsection (21)(a)(ii)(A) and is residing outside of Utah;
(iii) has a digitized driver license photo on file with the division;
(iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and
(v) provides the necessary information and documentary evidence required under Subsection (8).
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
(i) establishing the procedures for an individual to obtain a motorcycle endorsement under this Subsection (21); and
(ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).

Amended by Chapter 291, 2025 General Session

**53-3-205.5 Fingerprint and photograph submission requirements for driving privilege card applicants and cardholders -- Approved private fingerprint vendor requests -- Division approval of a vendor.**
(1)
(a) Every applicant for an original driving privilege card shall submit an application to the division and, in a sealed envelope provided by the Bureau of Criminal Identification, an approved fingerprint vendor, or a law enforcement agency, either:
(i) a photograph of the applicant and the applicant's fingerprints; or
(ii) a photograph of the applicant and a confirmation form from an approved fingerprint vendor, described in Subsection (1)(c), stating that:
(A) the vendor attests that the vendor verified the photograph to be placed in the envelope is a photograph of the individual whose fingerprints were digitally taken; and
(B) the vendor attests to have electronically submitted the digital fingerprint scans of the photographed individual directly to the Bureau of Criminal Identification's fingerprint database.
(b) If an applicant for a renewal of a driving privilege card has not previously submitted the required materials listed in Subsection (1)(a) to the division, the applicant shall submit the required materials listed in Subsection (1)(a) in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency.
(c)
(i) The division shall create and maintain on the division's website a list of approved fingerprint vendors and each vendor's contact information.
(ii) The division shall review an approval request from a fingerprint vendor and determine whether to approve the vendor and add the vendor to the approved fingerprint vendor website list.

(iii) The division shall approve a fingerprint vendor and add the vendor to the division's website list if the vendor:
(A) uses digital fingerprint technology that can submit digital fingerprints directly to the Bureau of Criminal Identification's database;
(B) agrees to verify the identity of the individual by visually inspecting a government-issued photograph identification, as described in Subsection (1)(c)(iv), that the individual is required to present to the vendor;
(C) agrees to certify on the fingerprint confirmation form that the individual fingerprinted and the individual photographed under Subsection (1)(a)(ii) are the same individual; and
(D) agrees to place the photograph and fingerprint confirmation form inside the envelope described in Subsection (1)(a) and to seal the envelope.
(iv) A fingerprint vendor may accept a government-issued form of identification described in Subsection (1)(c)(v) for purposes of Subsection (1)(c)(iii)(B) if the identification includes the individual's name and photograph.
(v) A fingerprint vendor may accept the following photographic identifications required in Subsection (1)(c)(iv):
(A) a driver license from any state or country;
(B) an identification card from any state or country;
(C) a passport from any country;
(D) a passport card from any country;
(E) a border crossing card;
(F) a consulate card from any country;
(G) a visa;
(H) an employment authorization card;
(I) a foreign voter's registration card;
(J) a military identification card; and
(K) other forms of identification approved by the division.
(d)
(i) The Bureau of Criminal Identification, an approved fingerprint vendor, or a law enforcement agency that has the capability of handling fingerprint and photograph submissions shall take the applicant's fingerprints and photo for submission under Subsection (1).
(ii) An approved fingerprint vendor shall take the applicant's fingerprints via digital fingerprint technology and electronically submit the digital fingerprint scans directly to the Bureau of Criminal Identification's database.
(2) The division shall submit fingerprints or a fingerprint confirmation form for each person described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.
(3) The Bureau of Criminal Identification shall:
(a) check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases;
(b) maintain a separate file of fingerprints submitted under Subsection (1) for search by future submissions to the local, state, and regional criminal records databases, including latent prints; and
(c) provide notice to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security of any new or existing criminal history record or new or existing warrant information contained in or entered in local, state, or regional databases.
(4) In addition to any other fees authorized by this chapter, the division shall:

(a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification or other authorized agency provides under this section; and
(b) remit the fees collected under Subsection (4)(a) to the Bureau of Criminal Identification.

Amended by Chapter 454, 2023 General Session

**53-3-205.6 Emergency contact database.**

(1)
(a) The division shall establish a database of the emergency contacts of a person who holds a license certificate, learner permit, identification card, or any other type of license or permit issued under this chapter.
(b) Information in the database created under this section may only be accessed by:
(i) employees of the division;
(ii) law enforcement officers employed by a law enforcement agency; and
(iii) employees or authorized agents of a law enforcement agency.
(c) A law enforcement officer may share information contained in the emergency contact database with other public safety workers on the scene of a motor vehicle accident or other emergency situation, as needed to conduct official law enforcement duties.

(2) A person holding a license certificate, learner permit, identification card, or any other type of license or permit issued under this chapter may provide the division, in a manner specified by the division, the name, address, telephone number, and relationship to the holder of no more than two emergency contact persons whom the holder wishes to be contacted by a law enforcement officer if the holder:
(a) is involved in a motor vehicle accident or other emergency situation; and
(b) is unable to communicate with the contact person or persons.

(3) The information contained in the database created under this section:
(a) shall only be used for the purposes described in this section; and
(b) may not be used for criminal investigation purposes.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the procedures to implement this section including:
(a) specifying the method for a license certificate, instruction permit, or identification card holder to provide the division with emergency contact information;
(b) specifying the method for a license certificate, learner permit, or identification card holder to change the emergency contact information; and
(c) other rules required for the implementation of the database or its operation that the division determines necessary to implement the provisions of this section.

(5)
(a) If a person involved in a motor vehicle accident or other emergency situation is unable to communicate with the contact person or persons specified in the database, a law enforcement officer shall make a good faith effort to notify the contact person or persons of the situation.
(b) A law enforcement officer or a law enforcement agency that employs a law enforcement officer may not incur any liability if the law enforcement officer is not able to make contact with a designated emergency contact person.
(c) Except for willful or wanton misconduct, a law enforcement officer or a law enforcement agency that employs a law enforcement officer may not incur any liability relating to the reporting or use of the database during a motor vehicle accident or other emergency situation.

(6) The division is not liable for any damages, costs, or expenses arising or resulting from any inaccurate or incomplete data or system unavailability.

Enacted by Chapter 252, 2012 General Session

**53-3-206 Examination of applicant's physical and mental fitness to drive a motor vehicle.**

(1) The division shall examine every applicant for a license, including a test of the applicant's:
- (a) eyesight either:
  - (i) by the division; or
  - (ii) by allowing the applicant to furnish to the division a statement from a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician assistant licensed under Title 58, Chapter 70A, Utah Physician Assistant Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- (b) ability to read and understand highway signs regulating, warning, and directing traffic;
- (c) ability to read and understand simple English used in highway traffic and directional signs;
- (d) knowledge of the state traffic laws;
- (e) other physical and mental abilities the division finds necessary to determine the applicant's fitness to drive a motor vehicle safely on the highways; and
- (f) ability to exercise ordinary and responsible control driving a motor vehicle, as determined by actual demonstration or other indicator.

(2)
- (a) Subject to Subsection (2)(d), and notwithstanding the provisions of Subsection (1) or any other provision of law, the division shall allow an individual to take an examination of the individual's knowledge of the state traffic laws in the individual's preferred language:
  - (i) if the individual is a refugee, an approved asylee, or a covered humanitarian parolee:
    - (A) the first time the individual applies for a limited-term license certificate; and
    - (B) the first time the individual applies for a renewal of a limited-term license certificate; and
  - (ii) for any other individual applying for a class D license certificate:
    - (A) the first time the individual applies for a class D license certificate; and
    - (B) the first time the individual applies for a renewal of a class D license certificate.
- (b)
  - (i) Upon the second renewal of a refugee's, an approved asylee's, or a covered humanitarian parolee's limited-term license certificate for a refugee, an approved asylee, or a covered humanitarian parolee that has taken the knowledge exam in the individual's preferred language under Subsection (2)(a), the division shall re-examine the individual's knowledge of the state traffic laws in English.
  - (ii) Upon the second renewal of an individual's class D license certificate of an individual who has taken the knowledge exam in the individual's preferred language under Subsection (2)(a)(ii), the division shall re-examine the individual's knowledge of the state traffic laws in English.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the procedures and requirements for the examination of the individual's knowledge of the state traffic laws in the individual's preferred language.
- (d)
  - (i) Beginning on July 1, 2023, for a class D license certificate, except for a driving privilege card issued under Section 53-3-207, the division shall administer the written knowledge examination in as many languages as reasonably possible given budgetary and other constraints.

(ii) If the division is unable to administer the written knowledge examination in a particular language, an individual may take an examination with the assistance of a translator approved by the division.

(iii) If an individual takes the examination with the assistance of a translator, the individual is responsible for the costs of the translator.

(e) In order to provide the services described in Subsection (2)(d)(i), the division may contract with a private vendor to provide the translation services or technology.

(3)

(a) For an applicant for an original or a renewal of a class D license, other than a driving privilege card or a limited term license certificate, the division shall provide the examination of an individual's knowledge of the state traffic laws in five commonly spoken languages in the state, other than English, as determined under Subsection (3)(c).

(b) An applicant for an original or a renewal of a class D license, other than a driving privilege card or a limited term license certificate, may request to take the examination of the individual's knowledge of the state traffic laws in a language other than English, if the requested language is one of five commonly spoken languages in the state as determined under Subsection (3)(c).

(c)

(i) The Division of Multicultural Affairs created in Section 9-21-201 shall recommend five commonly spoken languages in the state, other than English, for examination of an individual's knowledge of the state traffic laws.

(ii) The division shall offer the examination of an individual's knowledge of the state traffic laws in the five commonly spoken languages, other than English, recommended by the Division of Multicultural Affairs created in Section 9-21-201.

(4) The division shall determine whether any facts exist that would bar granting a license under Section 53-3-204.

(5) The division shall examine each applicant according to the class of license applied for.

(6) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform Commercial Driver License Act, of this chapter.

(7) The division shall provide a report to the Transportation Interim Committee on or before October 1, 2023, regarding the written knowledge examination in languages other than English, including:

(a) costs associated with the program;

(b) the number of languages provided;

(c) the likelihood of adding additional languages in the future; and

(d) other information the division finds relevant.

Amended by Chapter 113, 2024 General Session

**53-3-207 License certificates or driving privilege cards issued to drivers by class of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

(1) As used in this section:

(a) "Authorized guardian" means:

(i) the parent or legal guardian of a child who:

(A) is under 18 years old; and

(B) has an invisible condition; or

(ii) the legal guardian or conservator of an adult who:

(A) is 18 years old or older; and
(B) has an invisible condition.
(b) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.
(c) "First responder" means:
(i) a law enforcement officer, as defined in Section 53-13-103;
(ii) an emergency medical technician, as defined in Section 53-2e-101;
(iii) an advanced emergency medical technician, as defined in Section 53-2e-101;
(iv) a paramedic, as defined in Section 53-2e-101;
(v) a firefighter, as defined in Section 53B-8c-102; or
(vi) a dispatcher, as defined in Section 53-6-102.
(d) "Governmental entity" means the state or a political subdivision of the state.
(e) "Health care professional" means:
(i) a licensed physician, physician assistant, nurse practitioner, or mental health therapist; or
(ii) any other licensed health care professional the division designates by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(f) "Invisible condition" means a physical or mental condition that may interfere with an individual's ability to communicate with a first responder, including:
(i) a communication impediment;
(ii) hearing loss;
(iii) blindness or a visual impairment;
(iv) autism spectrum disorder;
(v) a drug allergy;
(vi) Alzheimer's disease or dementia;
(vii) post-traumatic stress disorder;
(viii) traumatic brain injury;
(ix) schizophrenia;
(x) epilepsy;
(xi) a developmental disability;
(xii) Down syndrome;
(xiii) diabetes;
(xiv) a heart condition; or
(xv) any other condition approved by the department.
(g) "Invisible condition identification symbol" means a symbol or alphanumeric code that indicates that an individual is an individual with an invisible condition.
(h) "Political subdivision" means any county, city, town, school district, public transit district, community reinvestment agency, special improvement or taxing district, special district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.
(i) "State" means this state, and includes any office, department, agency, authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.
(2)
(a) The division shall issue to every individual privileged to drive a motor vehicle, a regular license certificate, a limited-term license certificate, or a driving privilege card indicating the type or class of motor vehicle the individual may drive.
(b) An individual may not drive a class of motor vehicle unless granted the privilege in that class.
(3)

(a) Every regular license certificate, limited-term license certificate, or driving privilege card shall bear:
(i) the distinguishing number assigned to the individual by the division;
(ii) the name, birth date, and Utah residence address of the individual;
(iii) a brief description of the individual for the purpose of identification;
(iv) any restrictions imposed on the license under Section 53-3-208;
(v) a photograph of the individual;
(vi) a photograph or other facsimile of the individual's signature;
(vii) an indication whether the individual intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended under Subsection 53-3-214(3); and
(viii) except as provided in Subsection (3)(b), if the individual states that the individual is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the individual was granted an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.
(b) A regular license certificate or limited-term license certificate issued to an individual younger than 21 years old on a portrait-style format as required in Subsection (7)(b) is not required to include an indication that the individual is a United States military veteran under Subsection (3)(a)(viii).
(c) A new license certificate issued by the division may not bear the individual's social security number.
(d)
(i) The regular license certificate, limited-term license certificate, or driving privilege card shall be of an impervious material, resistant to wear, damage, and alteration.
(ii) The size, form, and color of the regular license certificate, limited-term license certificate, or driving privilege card shall be as prescribed by the commissioner.
(iii) The commissioner may also prescribe the issuance of a special type of limited regular license certificate, limited-term license certificate, or driving privilege card under Subsection 53-3-220(4).
(4)
(a) The division shall include or affix an invisible condition identification symbol on an individual's regular license certificate, limited-term license certificate, or driving privilege card if the individual or the individual's authorized guardian, on a form prescribed by the department:
(i) requests the division to include the invisible condition identification symbol;
(ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and
(iii) signs a waiver of liability for the release of any medical information to:
(A) the department;
(B) any person who has access to the individual's medical information as recorded on the individual's driving record or the Utah Criminal Justice Information System under this chapter;
(C) any other person who may view or receive notice of the individual's medical information by seeing the individual's regular license certificate, limited-term license certificate, or driving privilege card or the individual's information in the Utah Criminal Justice Information System;

(D) a local law enforcement agency that receives a copy of the form described in this Subsection (4)(a) and enters the contents of the form into the local law enforcement agency's record management system or computer-aided dispatch system; and

(E) a dispatcher who accesses the information regarding the individual's invisible condition through the use of a local law enforcement agency's record management system or computer-aided dispatch system.

(b) As part of the form described in Subsection (4)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the signed waiver, the individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsections (4)(a)(iii)(A) through (E), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.

(c) The division may not:

(i) charge a fee to include the invisible condition identification symbol on the individual's regular license certificate, limited-term license certificate, or driving privilege card; or

(ii) after including the invisible condition identification symbol on the individual's previously issued regular license certificate, limited-term license certificate, or driving privilege card, require the individual to provide subsequent written verification described in Subsection (4)(a)(ii) to include the invisible condition identification symbol on the individual's renewed or extended regular license certificate, limited-term license certificate, or driving privilege card.

(d) The division shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (4)(a)(ii) holds a current state license.

(e) The inclusion of an invisible condition identification symbol on an individual's license certificate, limited-term license certificate, or driving privilege card in accordance with Subsection (4)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

(f) For each individual issued a regular license certificate, limited-term license certificate, or driving privilege card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.

(g) Except as provided in this section, the division may not release the information described in Subsection (4)(f).

(h) Within 30 days after the day on which the division receives an individual's or the individual's authorized guardian's written request, the division shall:

(i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (4)(f); and

(ii) provide the individual's updated record to the Utah Criminal Justice Information System.

(5) As provided in Section 63G-2-302, the information described in Subsection (4)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

(6)

(a)

(i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.

(ii)

(A) The division shall issue a temporary regular license certificate or temporary limited-term license certificate allowing the individual to drive a motor vehicle while the division is completing the division's investigation to determine whether the individual is entitled to be granted a driving privilege.

(B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection (6) shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate.

(b) The temporary regular license certificate or temporary limited-term license certificate shall be in the individual's immediate possession while driving a motor vehicle, and the temporary regular license certificate or temporary limited-term license certificate is invalid when the individual's regular license certificate or limited-term license certificate has been issued or when, for good cause, the privilege has been refused.

(c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which the temporary regular license certificate or temporary limited-term license certificate is not valid as a temporary license.

(d)

(i) Except as provided in Subsection (6)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.

(ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card.

(7)

(a) The division shall distinguish learner permits, temporary permits, regular license certificates, limited-term license certificates, and driving privilege cards issued to any individual younger than 21 years old by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.

(b) The division shall distinguish a regular license certificate, limited-term license certificate, or driving privilege card issued to an individual younger than 21 years old by use of a portrait-style format not used for other regular license certificates, limited-term license certificates, or driving privilege cards and by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 21 years old.

(8) The division shall distinguish a limited-term license certificate by clearly indicating on the document:

(a) that the limited-term license certificate is temporary; and

(b) the limited-term license certificate's expiration date.

(9)

(a) The division shall only issue a driving privilege card to an individual whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).

(b) The division shall distinguish a driving privilege card from a license certificate by:

(i) use of a format, color, font, or other means; and

(ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

(10) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.

(11) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.
(12)
(a) A governmental entity may not accept a driving privilege card as proof of personal identification.
(b) A driving privilege card may not be used as a document providing proof of an individual's age for any government required purpose.
(13) An individual who violates Subsection (2)(b) is guilty of an infraction.
(14) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a:
(a) driving privilege in the same way as a license or limited-term license issued under this chapter; and
(b) limited-term license certificate or driving privilege card in the same way as a regular license certificate issued under this chapter.

Amended by Chapter 16, 2023 General Session
Amended by Chapter 328, 2023 General Session
Amended by Chapter 456, 2023 General Session

**53-3-208 Restrictions.**
(1)
(a) When granting a license, the division may for good cause impose restrictions, suitable to the licensee's driving ability, for the type of motor vehicle or special mechanical control devices required on a motor vehicle that the licensee may drive.
(b) The division may impose other restrictions on the licensee as it determines appropriate to assure safe driving of a motor vehicle by the licensee.
(2) The division may either grant a special restricted license or may set forth restrictions upon the regular license certificate.
(3)
(a) The division may suspend or revoke any license upon receiving satisfactory evidence of any violation of the restrictions imposed on the license.
(b) Each licensee is entitled to a hearing for a suspension or revocation under this chapter.
(4) It is an infraction for a person to drive a motor vehicle in violation of the restrictions imposed on his license under this section.

Amended by Chapter 412, 2015 General Session

**53-3-209 Provisional licenses only for persons under 21 -- Separate point system -- Denial and suspension procedures.**
(1) The division may only grant a provisional license to a person younger than 21 years of age.
(2)
(a) The division shall make rules for the establishment and administration of a separate point system for persons granted provisional licenses to facilitate counseling, penalization, or both earlier than for persons 21 years of age or older.
(b) The rules shall establish point thresholds at which each of the following actions are taken:
(i) a warning letter;
(ii) a request to appear for a hearing;

(iii) a denial of the driving privilege for first or second actions where the point total established under Section 53-3-221 does not exceed the point threshold under which a person 21 years or older may be suspended; and
(iv) a suspension of the driving privilege.
(c) The rules shall require:
(i) an extension of the denial or suspension period for further violations within the three-year period; and
(ii) denial or suspension of the driving privilege for failure to appear for a hearing required under this section.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-210.5 Learner permit.**
(1) The division, upon receiving an application for a learner permit, may issue a learner permit effective for 18 months to an applicant who is at least 15 years old.
(2)
(a) The learner permit entitles an applicant that is 18 years old or older to operate a class D motor vehicle only if a person 21 years old or older who is a licensed driver is occupying a seat beside the applicant.
(b) The learner permit entitles an applicant that is younger than 18 years old to operate a class D motor vehicle only if:
(i) an approved driving instructor is occupying a seat beside the applicant;
(ii) the applicant's parent or legal guardian, who must be a licensed driver, is occupying a seat beside the applicant;
(iii) a responsible adult who has signed for the applicant under Section 53-3-211 and who must be a licensed driver, is occupying a seat beside the applicant; or
(iv) a responsible individual 21 years old or older who is not the parent or legal guardian is occupying a seat beside the applicant and:
(A) the parent or legal guardian is not a licensed driver;
(B) the individual occupying the seat beside the applicant has in the individual's immediate possession evidence that the individual is authorized by the parent or legal guardian to accompany the applicant while operating the motor vehicle; and
(C) the individual occupying the seat beside the applicant is a licensed driver.
(c) The applicant shall have the learner permit in the applicant's immediate possession while operating the motor vehicle.
(3) The division shall issue a learner permit to an applicant who:
(a) is at least 15 years old;
(b) has passed the knowledge test required by the division;
(c) has passed the physical and mental fitness tests; and
(d) has submitted a nonrefundable fee for a learner permit under Section 53-3-105.
(4)
(a) The division shall supply the learner permit form.
(b) The form under Subsection (4)(a) shall include:
(i) the applicant's full name, date of birth, sex, Utah residence address, height, weight, and eye color;
(ii) the date of issuance and expiration of the permit; and
(iii) the conditions and restrictions contained in this section for operating a class D motor vehicle.

(5) An application and fee for a learner permit entitle the applicant to:
(a) not more than three attempts to pass the knowledge test for a class D license within one year; and
(b) a learner permit after the knowledge test is passed.
(6)
(a) If an applicant has been issued a learner permit under this section or an equivalent by another state or branch of the United States Armed Forces, the applicant may be issued an original or provisional class D license from the division upon:
(i) completing a driver education course in a:
(A) commercial driver training school licensed under Part 5, Commercial Driver Training Schools Act; or
(B) driver education program approved by the State Board of Education or the division;
(ii) passing a knowledge test approved by the division that complies with the requirement of Subsection (6)(d);
(iii) passing the skills test approved by the division;
(iv) reaching 16 years old; and
(v) paying the nonrefundable fee for an original or provisional class D license application under Section 53-3-105.
(b) In addition to the requirements under Subsection (6)(a), an applicant who is 17 years old or younger is required to hold a learner permit for six months before applying for a provisional class D license.
(c) An applicant is exempt from the requirement under Subsection (6)(a)(i) if the applicant:
(i) is 19 years old or older;
(ii) holds a learner permit for three months before applying for an original class D license; and
(iii) certifies that the applicant, under the authority of a permit issued under this chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were completed during night hours after sunset.
(d) Fifty percent of the test questions included in the knowledge test required under Subsection (6)(a)(ii) shall cover the topic of major causes of traffic related deaths as identified in statistics published by the Highway Safety Office.

Amended by Chapter 242, 2025 General Session

**53-3-210.6 Motorcycle learner permit.**
(1) The division, upon receiving an application for a motorcycle learner permit, may issue a motorcycle learner permit effective for six months to an applicant who:
(a) holds an original or provisional class D license, a CDL, or an out-of-state equivalent of an original or provisional class D license or a CDL; and
(b) has passed the motorcycle knowledge test.
(2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a highway subject to the restrictions in Subsection (3).
(3)
(a) For the first two months from the date a motorcycle learner permit is issued, the operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:
(i) on a highway with a posted speed limit of more than 60 miles per hour;
(ii) with any passengers; or
(iii) during the nighttime hours after 10 p.m. and before 6 a.m.

(b) For the third through sixth months from the date a motorcycle learner permit is issued, the operator of a motorcycle holding the motorcycle learner permit may operate a motorcycle without any restrictions imposed under this Subsection (3).
(c) It is an affirmative defense to a charge that a person who has been issued a motorcycle learner permit is operating a motorcycle in violation of the restrictions under Subsection (3)(a) if the person is operating the motorcycle:
(i) for the operator's employment, including the trip to and from the operator's residence and the operator's employment;
(ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural operation; or
(iii) in an emergency.
(d) A violation of Subsection (3)(a) is an infraction.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules governing the issuance of a motorcycle learner permit and establishing the proof requirements for an applicant to demonstrate that the applicant has completed a motorcycle rider education program.

Amended by Chapter 412, 2015 General Session

**53-3-211 Application of minors -- Liability of person signing application -- Cancellation of cosigning adult's liability -- Behind-the-wheel driving certification.**
(1) As used in this section, "minor" means any person younger than 18 years of age who is not married or has not been emancipated by adjudication.
(2)
(a) The application of a minor for a learner permit or provisional license shall be signed by the parent or guardian of the applicant.
(b) If the minor applicant does not have a parent or guardian or is in the legal custody of the Division of Child and Family Services, then a parent or responsible adult who is willing to assume the obligation imposed under this chapter may sign the application.
(3)
(a) Except as provided in Subsection (4), the liability of a minor for civil compensatory damages caused when operating a motor vehicle upon a highway is imputed to the person who has signed the application of the minor under Subsection (2).
(b) The person who has signed the application under Subsection (2) is jointly and severally liable with the minor as provided in Subsections (3)(a) and (c).
(c) The liability imposed under Subsections (3)(a) and (b) is limited to the policy minimum limits established in Section 31A-22-304.
(d) The liability provisions in this Subsection (3) are in addition to the liability provisions in Section 53-3-212.
(4)
(a) If owner's or operator's security covering the minor's operation of the motor vehicle is in effect in amounts as required under Section 31A-22-304, the person who signed the minor's application under Subsection (2) is not subject to the liability imposed under Subsection (3).
(b) Notwithstanding the requirement under Subsection (3), if a foster parent signs an application under Subsection (2) for a minor who is in the legal custody of the Division of Child and Family Services and who resides with the foster parent, the foster parent's liability may not exceed the greater of:
(i) minimum liability insurance policy limits established under Section 31A-22-304; or

(ii) the policy limits of the foster parent's liability insurance policy issued in accordance with Section 31A-22-302 that were in effect at the time damages were caused by the minor's operation of a motor vehicle.

(5)
(a) A person who has signed the application of a minor under Subsection (2) may file with the division a verified written request that the permit or license of the minor be canceled.
(b) The division shall then cancel the permit or license of the minor, and the person who signed the application of the minor under Subsection (2) is relieved from the liability imposed under Subsection (3) or the minor operating a motor vehicle subsequent to the cancellation.

(6)
(a) The division upon receipt of satisfactory evidence of the death of the person who signed the application of a minor under Subsection (2) shall cancel the permit or license and may not issue a new permit or license until a new application, signed and verified, is made under this chapter.
(b) This Subsection (6) does not apply to an application of a person who is no longer a minor.

(7)
(a) In addition to the liability assumed under this section, the person who signs the application of a minor for a provisional license must certify that the minor applicant, under the authority of a permit issued under this chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours shall be during night hours after sunset.
(b) The hours of driving a motor vehicle required under Subsection (7)(a) may include:
(i) hours completed in a driver education course as required under Subsection 53-3-505.5(1); and
(ii) up to five hours completed by driving simulation practice on a fully interactive driving simulation device at the substitution rate provided under Subsection 53-3-505.5(2)(b).

Amended by Chapter 314, 2008 General Session

**53-3-212 Owner giving permission and minor liable for damages caused by minor driving a motor vehicle.**

(1)
(a) The owner of a motor vehicle causing or knowingly permitting a person younger than 18 years of age to drive the motor vehicle on a highway, or a person who gives or furnishes a motor vehicle to the minor, are each jointly and severally liable with the minor for any damages caused by the negligence of the minor in driving the motor vehicle.
(b) If owner's or operator's security covering the minor's operation of the motor vehicle is in effect in amounts as required under Section 31A-22-304, the owner of the motor vehicle or the person who gave or furnished the motor vehicle to the minor under Subsection (1) is not subject to the liability imposed under Subsection (1).

(2) Nothing under Subsection (1) prohibits a cause of action for any direct negligence on the part of the person furnishing the motor vehicle to the minor.

(3) This liability provision is in addition to the liability provisions in Section 53-3-211.

Amended by Chapter 86, 2010 General Session

**53-3-213 Age and experience requirements to drive school bus or certain other carriers -- Misdemeanor to drive unauthorized class of motor vehicle -- Waiver of driving examination by third party certification.**

(1)
(a) A person must be at least 21 years of age:
(i) to drive any school bus;
(ii) to drive any commercial motor vehicle outside this state; or
(iii) while transporting passengers for hire or hazardous materials.
(b) Subject to the requirements of Subsection (1)(a), the division may grant a commercial driver license to any applicant who is at least 18 years of age and has had at least one year of previous driving experience.
(c) It is an infraction for any person to drive a class of motor vehicle for which he is not licensed.
(2)
(a) At the discretion of the commissioner and under standards established by the division, persons employed as commercial drivers may submit a third party certification as provided in Part 4, Uniform Commercial Driver License Act, in lieu of the driving segment of the examination.
(b) The division shall maintain necessary records and set standards to certify companies desiring to qualify under Subsection (2)(a).

Amended by Chapter 412, 2015 General Session

**53-3-214 Renewal -- Fees required -- Extension without examination.**
(1)
(a) The holder of a valid license may renew the holder's license and any endorsement to the license by applying:
(i) at any time within six months before the license expires; or
(ii) more than six months prior to the expiration date if the applicant furnishes proof that the applicant will be absent from the state during the six-month period prior to the expiration of the license.
(b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section 53-3-105.
(2)
(a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular license certificate, provisional license, and any endorsement to a regular license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.
(b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license certificate, limited-term provisional license certificate, and any endorsement to a limited-term license certificate, the division shall:
(i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the limited-term license certificate, if applicable; and
(ii) verify through valid documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
(c) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.
(3)
(a)

(i) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a regular license certificate or any endorsement to the regular license certificate for eight years without examination for licensees whose driving records for the eight years immediately preceding the determination of eligibility for extension show:
(A) no suspensions;
(B) no revocations;
(C) no conviction for reckless driving under Section 41-6a-528; and
(D) no more than six reportable violations in the preceding eight years.
(ii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a provisional license and any endorsement to a provisional license for eight years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:
(A) no suspensions;
(B) no revocations;
(C) no conviction for reckless driving under Section 41-6a-528; and
(D) no more than four reportable violations in the preceding five years.
(iii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a limited term license and any endorsement to a limited term license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:
(A) no suspensions;
(B) no revocations;
(C) no conviction for reckless driving under Section 41-6a-528; and
(D) no more than four reportable violations in the preceding five years.
(b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new regular license certificate and any endorsement to a regular license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.
(c) After the expiration of a limited-term license certificate, a new limited-term license certificate and any endorsement to a limited-term license certificate may not be issued until the person has:
(i) again passed the tests under Section 53-3-206 and paid the required fee; and
(ii) presented documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
(d) A person 65 years of age or older shall take and pass the eye examination specified in Section 53-3-206.
(e) An extension may not be granted to any person:
(i) who is identified by the division as having a medical impairment that may represent a hazard to public safety;
(ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act;
(iii) who is holding a limited-term license certificate; or
(iv) who is holding a driving privilege card issued in accordance with Section 53-3-207.
(f) The division shall allow extensions:
(i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105;

(ii) only if the applicant qualifies under this section; and
(iii) for only one extension.
(g) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.
(4) In accordance with this section, the division shall coordinate with the Department of Corrections in providing an inmate with access to a driver license certificate as described in Section 64-13-10.6.

Amended by Chapter 414, 2023 General Session

**53-3-214.5 License or identification card checkoff for vision screening.**
(1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution for vision screening of $2.
(2) This contribution shall be:
(a) collected by the division;
(b) treated as a voluntary contribution to Friends For Sight to provide blindness prevention education, screening, and treatment and not as a license fee; and
(c) transferred to Friends For Sight at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 30, 2003 General Session
Amended by Chapter 126, 2003 General Session

**53-3-214.7 License or identification card checkoff for promoting and supporting organ donation.**
(1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution of $2 for the purpose of promoting and supporting organ donation.
(2) This contribution shall be:
(a) collected by the division;
(b) treated as a voluntary contribution to the Allyson Gamble Organ Donation Contribution Fund created in Section 26B-1-312 and not as a license fee; and
(c) transferred to the Allyson Gamble Organ Donation Contribution Fund created in Section 26B-1-312 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 328, 2023 General Session

**53-3-214.8 License or identification card checkoff for public transportation for seniors or people with disabilities.**
(1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution of $1 for public transportation assistance for seniors or people with disabilities.
(2) This contribution shall be:
(a) collected by the division;
(b) treated as a voluntary contribution to the "Out and About" Homebound Transportation Assistance Fund created in Section 26B-1-323 to provide public transportation assistance for seniors or people with disabilities and not as a license fee; and

(c) transferred to the "Out and About" Homebound Transportation Assistance Fund created in Section 26B-1-323 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 328, 2023 General Session

**53-3-215 Duplicate license certificate -- Fee.**

(1)

(a) If a license certificate issued under this chapter is lost, stolen, or destroyed, the person to whom the license certificate was issued may obtain a duplicate upon furnishing proof satisfactory to the division that the license certificate has been lost, stolen, or destroyed and upon payment of a duplicate fee under Section 53-3-105.

(b) A person may not be issued a duplicate license certificate under this section unless the person complies with Subsection 53-3-204(2)(f).

(2) When the division is advised that a license certificate has been lost, stolen, or destroyed, the license certificate is then void.

Amended by Chapter 335, 2012 General Session

**53-3-216 Change of address -- Duty of licensee to notify division within 10 days -- Change of name -- Proof necessary -- Method of giving notice by division.**

(1)

(a) Except as provided in Subsection (1)(b), if an individual, after applying for or receiving a license, moves from the address named in the application or in the license certificate issued to the individual, the individual shall, within 10 days after the day on which the individual moves, notify the division in a manner specified by the division of the individual's new address and the number of any license certificate held by the individual.

(b) If an individual who is required to register as a sex offender, kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, after applying for or receiving a license, moves from the address named in the application or in the license certificate issued to the individual, the individual shall, within 30 days after the day on which the individual moves, apply for an updated license in-person at a division office.

(2) If an applicant requests to change the surname on the applicant's license, the division shall issue a substitute license with the new name upon receiving an application and fee for a duplicate license and any of the following proofs of the applicant's full legal name:

(a) an original or certified copy of the applicant's marriage certificate;

(b) a certified copy of a court order under Title 42, Chapter 1, Change of Name, showing the name change;

(c) an original or certified copy of a birth certificate issued by a government agency;

(d) a certified copy of a divorce decree or annulment granted the applicant that specifies the name change requested; or

(e) a certified copy of a divorce decree that does not specify the name change requested together with:

(i) an original or certified copy of the applicant's birth certificate;

(ii) the applicant's marriage license;

(iii) a driver license record showing use of a maiden name; or

(iv) other documentation the division finds acceptable.

(3)

(a) If the division is authorized or required to give a notice under this chapter or other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be given by:
(i) personal delivery to the individual to be notified; or
(ii) deposit in the United States mail with postage prepaid, addressed to the individual at the individual's address as shown by the records of the division.
(b) The giving of notice by mail is complete upon the expiration of four days after the deposit of the notice.
(c) Proof of the giving of notice in either manner may be made by the certificate of an officer or employee of the division or affidavit of an individual 18 years old or older, naming the individual to whom the notice was given and specifying the time, place, and manner of giving the notice.
(4) The division may use state mailing or United States Postal Service information to:
(a) verify an address on an application or on records of the division; and
(b) correct mailing addresses in the division's records.
(5) A violation of the provisions of Subsection (1) is an infraction.

Amended by Chapter 291, 2025 General Session

**53-3-217 License to be carried when driving motor vehicle -- Production in court -- Violation.**
(1)
(a) The licensee shall have his license certificate in his immediate possession at all times when driving a motor vehicle.
(b) A licensee shall display his license certificate upon demand of a justice of peace, a peace officer, or a field deputy or inspector of the division.
(2) It is a defense to a charge under this section that the person charged produces in court a license certificate issued to him and valid at the time of his citation or arrest.
(3) A person who violates Subsection (1)(a) or (1)(b) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

**53-3-218 Court to report convictions and may recommend suspension of license -- Severity of speeding violation defined.**
(1) As used in this section, "conviction" means conviction by the court of first impression or final administrative determination in an administrative traffic proceeding.
(2)
(a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any municipal ordinance regulating driving motor vehicles on highways or driving motorboats on the water, shall forward to the division within five days, an abstract of the court record of the conviction or plea held in abeyance of any person in the court for a reportable traffic or motorboating violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.
(b) When the division receives a court record of a conviction or plea in abeyance for a motorboat violation, the division may only take action against a person's driver license if the motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

(c) A court may not forward to the division an abstract of a court record of a conviction for a violation described in Subsection 53-3-220(1)(c)(i), unless the court found that the person convicted of the violation was an operator of a motor vehicle at the time of the violation.

(3)

(a) A court may not order the division to suspend a person's driver license based solely on the person's failure to pay a penalty accounts receivable.

(b) The court may notify the division, and the division may, prior to sentencing, suspend the driver license of a person who fails to appear if the person is charged with:

(i) an offense of any level that is a moving traffic violation;

(ii) an offense described in Title 41, Chapter 12a, Part 3, Owner's or Operator's Security Requirement; or

(iii) an offense described in Subsection 53-3-220(1)(a) or (b).

(4) The abstract shall be made in the form prescribed by the division and shall include:

(a) the name, date of birth, and address of the party charged;

(b) the license certificate number of the party charged, if any;

(c) the registration number of the motor vehicle or motorboat involved;

(d) whether the motor vehicle was a commercial motor vehicle;

(e) whether the motor vehicle carried hazardous materials;

(f) whether the motor vehicle carried 16 or more occupants;

(g) whether the driver presented a commercial driver license;

(h) the nature of the offense;

(i) whether the offense involved an accident;

(j) the driver's blood alcohol content, if applicable;

(k) if the offense involved a speeding violation:

(i) the posted speed limit;

(ii) the actual speed; and

(iii) whether the speeding violation occurred on a highway that is part of the interstate system as defined in Section 72-1-102;

(l) the date of the hearing;

(m) the plea;

(n) the judgment or whether bail was forfeited; and

(o) the severity of the violation, which shall be graded by the court as "minimum," "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

(5) When a convicted person secures a judgment of acquittal or reversal in any appellate court after conviction in the court of first impression, the division shall reinstate the convicted person's license immediately upon receipt of a certified copy of the judgment of acquittal or reversal.

(6) Upon a conviction for a violation of the prohibition on using a wireless communication device while operating a moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the convicted person's license for a period of three months.

(7) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that causes or results in the death of another person, a judge may order a revocation of the convicted person's license for a period of one year.

Amended by Chapter 415, 2023 General Session

**53-3-219 Suspension of minor's driving privileges.**

(1) The division shall immediately suspend all driving privileges of any person upon receipt of an order suspending driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-110(6)(a), or Section 80-6-707.

(2)

(a)

(i) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-110(6)(a), or Section 80-6-707, the division shall:

(A) impose a suspension for a period of one year;

(B) if the person has not been issued an operator license, deny the person's application for a license or learner's permit for a period of one year; or

(C) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for one year beginning on the date of eligibility for a driver license.

(ii) Upon receipt of the first order suspending a person's driving privileges under this section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or (C) if ordered by the court in accordance with Subsection 32B-4-409(5)(b), 32B-4-410(4)(b), 76-9-110(6)(b), or 80-6-707(3)(a).

(b)

(i) Upon receipt of a second or subsequent order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-110(6)(a), or Subsection 80-6-707(3)(b), the division shall:

(A) impose a suspension for a period of two years;

(B) if the person has not been issued an operator license or is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit for a period of two years; or

(C) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for two years beginning on the date of eligibility for a driver license.

(ii) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-110(6)(a), or Section 80-6-707, the division shall reduce the suspension period if ordered by the court in accordance with Subsection 32B-4-409(5)(c), 32B-4-410(4)(c), 76-9-110(6)(c), or 80-6-707(3)(b).

(3) The Driver License Division shall subtract from any suspension or revocation period for a conviction of a violation of Section 32B-4-409 the number of days for which a license was previously suspended under Section 53-3-231, if the previous sanction was based on the same occurrence upon which the record of conviction is based.

(4) After reinstatement of the license described in Subsection (1), a report authorized under Section 53-3-104 may not contain evidence of the suspension of a minor's license under this section if the minor has not been convicted of any other offense for which the suspension under Subsection (1) may be extended.

Amended by Chapter 173, 2025 General Session

***Superseded 1/1/2026***

**53-3-220 Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.**

(1)
(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for:
(i) manslaughter or negligent homicide resulting from driving a motor vehicle, automobile homicide under Section 76-5-207, or automobile homicide involving using a handheld wireless communication device while driving under Section 76-5-207.5;
(ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
(iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
(iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;
(v) any felony under the motor vehicle laws of this state;
(vi) any other felony in which a motor vehicle is used to facilitate the offense;
(vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;
(viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;
(ix) failure to bring a motor vehicle to a stop at the command of a law enforcement officer as required in Section 41-6a-210;
(x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;
(xi) a violation of Section 76-11-209 involving the discharging or allowing the discharging of a firearm from a vehicle or a violation of Section 76-11-210;
(xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii);
(xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;
(xiv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;
(xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;
(xvi) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2;
(xvii) refusal of a chemical test under Subsection 41-6a-520.1(1); or
(xviii) two or more offenses that:
(A) are committed within a period of one year;

(B) are enhanced under Section 76-3-203.17; and
(C) arose from separate incidents.
(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Section 80-6-701 for:
(i) a violation of Section 76-11-209 involving the discharging or allowing the discharging of a firearm from a vehicle or a violation of Section 76-11-210 involving discharging or allowing the discharge of a firearm from a vehicle; or
(ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii).
(c)
(i) Except when action is taken under Section 53-3-219 for the same offense, upon receiving a record of conviction, the division shall immediately suspend for six months the license of the convicted person if the person was convicted of violating any one of the following offenses while the person was an operator of a motor vehicle, and the court finds that a driver license suspension is likely to reduce recidivism and is in the interest of public safety:
(A) Title 58, Chapter 37, Utah Controlled Substances Act;
(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
(F) any criminal offense that prohibits possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E).
(ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate a person's driving privilege before completion of the suspension period imposed under Subsection (1)(c)(i) if the reporting court notifies the Driver License Division, in a manner specified by the division, that the defendant is participating in or has successfully completed a drug court program as defined in Section 78A-5-201.
(iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person is required to pay the license reinstatement fees under Subsection 53-3-105(26).
(iv) The court shall notify the division, in a manner specified by the division, if a person fails to complete all requirements of the drug court program.
(v) Upon receiving the notification described in Subsection (1)(c)(iv), the division shall suspend the person's driving privilege for a period of six months from the date of the notice, and no days shall be subtracted from the six-month suspension period for which a driving privilege was previously suspended under Subsection (1)(c)(i).
(d)
(i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:
(A) an order from the sentencing court requiring that the person's driver license be suspended; and
(B) a record of the conviction.
(ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.
(e)

(i) The division shall immediately suspend for one year the license of a person upon receiving a record of:
(A) conviction for the first time for a violation under Section 32B-4-411; or
(B) an adjudication under Section 80-6-701 for a violation under Section 32B-4-411.
(ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:
(A)
(I) conviction for a second or subsequent violation under Section 32B-4-411; and
(II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or
(B)
(I) a second or subsequent adjudication under Section 80-6-701 for a violation under Section 32B-4-411; and
(II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Section 80-6-701 for a violation under Section 32B-4-411.
(iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
(A) for a conviction or adjudication described in Subsection (1)(e)(i):
(I) impose a suspension for one year beginning on the date of conviction; or
(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or
(B) for a conviction or adjudication described in Subsection (1)(e)(ii):
(I) impose a suspension for a period of two years; or
(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.
(iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).
(v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).
(f) The division shall immediately suspend a person's driver license for the conviction of an offense that is enhanced under Section 76-3-203.17 if the division receives:
(i) an order from the sentencing court requiring the person's driver license to be suspended; and
(ii) a record of the conviction.
(2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:
(a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;
(b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;
(c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or
(d) a report of an accident in which the person was involved as a driver.

(3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.

(4)

(a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:

(i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c)(i); and

(ii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:

(A) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

(B) the division receives written verification from the person's primary care physician or physician assistant that:

(I) to the physician's or physician assistant's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and

(II) the physician or physician assistant is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and

(C) for a period of one year prior to the date of the request for a limited driving privilege:

(I) the person has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle;

(II) the division has not received a report of an arrest for a violation of any motor vehicle law in which the person was involved as the operator of the vehicle; and

(III) the division has not received a report of an accident in which the person was involved as an operator of a vehicle.

(b)

(i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection (4):

(A) is limited to when undue hardship would result from a failure to grant the privilege; and

(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.

(ii) The discretionary privilege authorized in Subsection (4)(a)(ii):

(A) is limited to when the limited privilege is necessary for the person to commute to school or work; and

(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.

(c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

***Effective 1/1/2026***

**53-3-220 Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.**

(1)

(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 1a, Motor Vehicle Act, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license or endorsement of a person upon receiving a record of the person's conviction for:

(i) manslaughter or negligent homicide resulting from driving a motor vehicle, automobile homicide under Section 76-5-207, or automobile homicide involving using a handheld wireless communication device while driving under Section 76-5-207.5;

(ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

(iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

(iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;

(v) any felony under the motor vehicle laws of this state;

(vi) any other felony in which a motor vehicle is used to facilitate the offense;

(vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;

(viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;

(ix) failure to bring a motor vehicle to a stop at the command of a law enforcement officer as required in Section 41-6a-210;

(x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;

(xi) a violation of Section 76-11-209 involving the discharging or allowing the discharging of a firearm from a vehicle or a violation of Section 76-11-210;

(xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii);

(xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;

(xiv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;
(xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;
(xvi) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2;
(xvii) refusal of a chemical test under Subsection 41-6a-520.1(1);
(xviii) failure to properly display a license plate on a motorcycle under Section 41-1a-404.1;
(xix) performing a wheelie on a highway under Section 41-6a-606.1;
(xx) engaging in lane splitting under Section 41-6a-704.1; or
(xxi) two or more offenses that:
(A) are committed within a period of one year;
(B) are enhanced under Section 76-3-203.17; and
(C) arose from separate incidents.

(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Section 80-6-701 for:
(i) a violation of Section 76-11-209 involving the discharging or allowing the discharging of a firearm from a vehicle or a violation of Section 76-11-210 involving discharging or allowing the discharge of a firearm from a vehicle; or
(ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii).

(c)
(i) Except when action is taken under Section 53-3-219 for the same offense, upon receiving a record of conviction, the division shall immediately suspend for six months the license of the convicted person if the person was convicted of violating any one of the following offenses while the person was an operator of a motor vehicle, and the court finds that a driver license suspension is likely to reduce recidivism and is in the interest of public safety:
(A) Title 58, Chapter 37, Utah Controlled Substances Act;
(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
(F) any criminal offense that prohibits possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E).
(ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate a person's driving privilege before completion of the suspension period imposed under Subsection (1)(c)(i) if the reporting court notifies the Driver License Division, in a manner specified by the division, that the defendant is participating in or has successfully completed a drug court program as defined in Section 78A-5-201.
(iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person is required to pay the license reinstatement fees under Subsection 53-3-105(26).
(iv) The court shall notify the division, in a manner specified by the division, if a person fails to complete all requirements of the drug court program.

(v) Upon receiving the notification described in Subsection (1)(c)(iv), the division shall suspend the person's driving privilege for a period of six months from the date of the notice, and no days shall be subtracted from the six-month suspension period for which a driving privilege was previously suspended under Subsection (1)(c)(i).

(d)

(i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

(A) an order from the sentencing court requiring that the person's driver license be suspended; and

(B) a record of the conviction.

(ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.

(e)

(i) The division shall immediately suspend for one year the license of a person upon receiving a record of:

(A) conviction for the first time for a violation under Section 32B-4-411; or

(B) an adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

(ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:

(A)

(I) conviction for a second or subsequent violation under Section 32B-4-411; and

(II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or

(B)

(I) a second or subsequent adjudication under Section 80-6-701 for a violation under Section 32B-4-411; and

(II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

(iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

(A) for a conviction or adjudication described in Subsection (1)(e)(i):

(I) impose a suspension for one year beginning on the date of conviction; or

(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or

(B) for a conviction or adjudication described in Subsection (1)(e)(ii):

(I) impose a suspension for a period of two years; or

(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.

(iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).

(v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).

(f) The division shall immediately suspend a person's driver license for the conviction of an offense that is enhanced under Section 76-3-203.17 if the division receives:

(i) an order from the sentencing court requiring the person's driver license to be suspended; and

(ii) a record of the conviction.

(2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:

(a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;

(b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;

(c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or

(d) a report of an accident in which the person was involved as a driver.

(3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.

(4)

(a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:

(i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c)(i); and

(ii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:

(A) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

(B) the division receives written verification from the person's primary care physician or physician assistant that:

(I) to the physician's or physician assistant's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and

(II) the physician or physician assistant is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and

(C) for a period of one year prior to the date of the request for a limited driving privilege:

(I) the person has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle;

(II) the division has not received a report of an arrest for a violation of any motor vehicle law in which the person was involved as the operator of the vehicle; and

(III) the division has not received a report of an accident in which the person was involved as an operator of a vehicle.

(b)

(i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection (4):
(A) is limited to when undue hardship would result from a failure to grant the privilege; and
(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.
(ii) The discretionary privilege authorized in Subsection (4)(a)(ii):
(A) is limited to when the limited privilege is necessary for the person to commute to school or work; and
(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.
(c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

Amended by Chapter 220, 2025 General Session

**53-3-221 Offenses that may result in denial, suspension, disqualification, or revocation of license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

(1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, disqualify, or revoke the license or permit of any individual without receiving a record of the individual's conviction of crime when the division has been notified or has reason to believe the individual:
(a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;
(b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other individual, or serious property damage;
(c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability rendering it unsafe for the individual to drive a motor vehicle or mobility vehicle upon the highways;
(d) has committed a serious violation of the motor vehicle laws of this state;
(e) has knowingly committed a violation of Section 53-3-229; or
(f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other individuals on the highways.
(2)
(a)
(i) Except as provided in Subsection 53-3-218(3), and subject to Subsection (2)(a)(ii), the division may suspend a license of an individual under Subsection (1):
(A) when the individual has failed to comply with the terms stated on a traffic citation issued in this state; or
(B) if the division receives a notification from a court as described in Subsection 41-6a-509(11)(d) or 41-6a-517(13)(b).
(ii) This Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials.
(b)

(i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 30 days previously to the individual at the address provided to the division.

(ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.

(3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny, suspend, or disqualify an individual's driver license based solely on:

(a) the individual's failure to appear;

(b) the individual's failure to pay an outstanding penalty accounts receivable; or

(c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a) or (b).

(4)

(a) The division shall make rules establishing a point system as provided for in this Subsection (4).

(b)

(i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.

(ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.

(iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against an individual's driving record for a conviction of a traffic violation:

(A) that occurred in another state; and

(B) that was committed on or after July 1, 2011.

(iv) The provisions of Subsection (4)(b)(iii) do not apply to:

(A) a reckless or impaired driving violation or a speeding violation for exceeding the posted speed limit by 21 or more miles per hour; or

(B) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.

(c) Every individual convicted of a traffic violation shall have assessed against the individual's driving record the number of points that the division has assigned to the type of violation of which the individual has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.

(d)

(i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.

(ii) The severity of a speeding violation shall be graded as:

(A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

(B) "intermediate" for exceeding the posted speed limit by 11 to 20 miles per hour; and

(C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

(iii) Consideration shall be made for assessment of no points on minimum speeding violations, except for speeding violations in school zones.

(e)

(i) Points assessed against an individual's driving record shall be deleted for violations occurring before a time limit set by the division.

(ii) The time limit may not exceed three years.

(iii) The division may also delete points to reward violation-free driving for periods of time set by the division.

(f)

(i) By publication in two newspapers having general circulation throughout the state, the division shall give notice of the number of points it has assigned to each type of traffic violation, the time limit set by the division for the deletion of points, and the point level at which the division will generally take action to deny or suspend under this section.

(ii) The division may not change any of the information provided above regarding points without first giving new notice in the same manner.

(5)

(a)

(i) If the division finds that the license of an individual should be denied, suspended, disqualified, or revoked under this section, the division shall immediately notify the licensee in a manner specified by the division and afford the individual an opportunity for a hearing in the county where the licensee resides.

(ii) The hearing shall be documented, and the division or its authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.

(iii) One or more members of the division may conduct the hearing, and any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.

(iv) After the hearing the division shall either rescind or affirm its decision to deny, suspend, disqualify, or revoke the license.

(b) The denial, suspension, disqualification, or revocation of the license remains in effect pending qualifications determined by the division regarding an individual:

(i) whose license has been denied or suspended following reexamination;

(ii) who is incompetent to drive a motor vehicle;

(iii) who is afflicted with mental or physical infirmities that might make the individual dangerous on the highways; or

(iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

(6)

(a) Subject to Subsection (6)(d), the division shall suspend an individual's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the individual's license.

(b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension.

(c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.

(d)

(i) If the division suspends an individual's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the individual if that individual needs a driver license for employment, education, or child visitation.

(ii) The temporary limited driver license described in this section:

(A) shall provide that the individual may operate a motor vehicle only for the purpose of driving to or from the individual's place of employment, education, or child visitation;

(B) shall prohibit the individual from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and

(C) shall expire 90 days after the day on which the temporary limited driver license is issued.

(iii)

(A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the individual who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.

(B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):

(I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

(II) an individual suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.

(iv) The division is not required to issue a limited driver license to an individual under this Subsection (6)(d) if there are other legal grounds for the suspension of the individual's driver license.

(v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.

(7)

(a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that individual in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.

(b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the individual convicted is a resident.

(8)

(a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.

(b) Any nonresident who drives a motor vehicle upon a highway when the individual's license has been suspended or revoked by the division is guilty of a class C misdemeanor.

(9)

(a) The division may not deny or suspend the license of any individual for a period of more than one year except:

(i) for failure to comply with the terms of a traffic citation under Subsection (2);

(ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;

(iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);

(iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;

(v) when the division suspends the license under Subsection (6); or

(vi) when the division denies the license under Subsection (14).

(b) The division may suspend the license of an individual under Subsection (2) until the individual shows satisfactory evidence of compliance with the terms of the traffic citation.

(10)

(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any individual without receiving a record of the individual's conviction for a crime when the division has reason to believe that the individual's

license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

(b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license.

(11)

(a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require the licensee to submit to an examination.

(b) Upon the conclusion of the examination the division may suspend or revoke the individual's license, permit the individual to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.

(c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.

(12)

(a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.

(b) The provisions of Subsection (12)(a) do not apply for:

(i) a CDIP or CDL license holder; or

(ii) a violation that occurred in a commercial motor vehicle.

(13)

(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of an individual if it has reason to believe that the individual is the owner of a motor vehicle for which security is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.

(b) The division may suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that:

(i) the driving privilege card holder is the registered owner of a vehicle; and

(ii) the driving privilege card holder's vehicle registration has been revoked under Subsection 41-1a-110(2)(a)(ii)(A).

(c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies to individuals whose driving privileges are suspended under this Subsection (13).

(14) The division may deny an individual's license if the individual fails to comply with the requirement to downgrade the individual's CDL to a class D license under Section 53-3-409 or 53-3-410.1.

(15) The division may deny an individual's class A, B, C, or D license if the individual fails to comply with the requirement to have a K restriction removed from the individual's license.

(16) Any suspension or revocation of an individual's license under this section also disqualifies any license issued to that individual under Part 4, Uniform Commercial Driver License Act.

Amended by Chapter 296, 2025 General Session

**53-3-221.5 Disclosure of license information to the Office of Recovery Services.**

(1) The division shall disclose to the Office of Recovery Services the name, address, and other identifying information of each person:

(a) to whom a license has been issued; or
(b) whose driving privileges have been suspended, revoked, or reinstated.
(2) All information received by the Office of Recovery Services under this section is subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

**53-3-221.7 Disclosure of license information for the Utah White Collar Crime Offender Registry.**

(1) The division shall disclose to the attorney general, if requested, the following information for use in connection with the Utah White Collar Crime Offender Registry established by Title 77, Chapter 42, Utah White Collar Crime Offender Registry:
(a) all names and aliases under which an offender has obtained a driver license, but not including any online or Internet identifiers;
(b) a physical description of an offender, including the offender's:
(i) date of birth;
(ii) height;
(iii) weight;
(iv) eye color; and
(v) hair color;
(c) the most current driver license photograph of an offender, as allowed in Subsection (2)(b)(ii); and
(d) the last known address of an offender.
(2)
(a) The information in Subsections (1)(a) and (c) may be publicly posted on the Utah White Collar Crime Offender Registry, pursuant to Subsection 77-42-104(4), in order to assist the public in the accurate identification of offenders.
(b) The driver license photograph under Subsection (1)(c) may be publicly posted on the registry only if:
(i) the offender has not registered as required under Section 77-42-106;
(ii) the attorney general has attempted to contact the offender at the last known address listed in the division's records regarding the failure to register; and
(iii) 30 or more days have passed since the most recent attempt to contact the offender.
(c) The information in Subsection (1)(d) may only be used by the attorney general to assist in locating and communicating with an offender, and may not be publicly posted on the Utah White Collar Crime Offender Registry.

Enacted by Chapter 319, 2016 General Session

**53-3-222 Purpose of revocation or suspension for driving under the influence.**

The Legislature finds that the purpose of this title relating to suspension or revocation of a person's license or privilege to drive a motor vehicle for driving with a blood alcohol content above a certain level or while under the influence of alcohol, any drug, or a combination of alcohol and any drug, or for refusing to take a chemical test as provided in Section 41-6a-520, is protecting persons on highways by quickly removing from the highways those persons who have shown they are safety hazards.

Amended by Chapter 2, 2005 General Session

**53-3-223 Chemical test for driving under the influence -- Temporary license -- Hearing and decision -- Suspension and fee -- Judicial review.**

(1)
(a) If a peace officer has reasonable grounds to believe that an individual may be violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the peace officer may, in connection with arresting the individual, request that the individual submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.
(b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance adopted in compliance with Subsection 41-6a-510(1).

(2) The peace officer shall advise an individual prior to the individual's submission to a chemical test that a test result indicating a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207 shall, and the existence of a blood alcohol content sufficient to render the individual incapable of safely driving a motor vehicle may, result in suspension or revocation of the individual's license to drive a motor vehicle.

(3) If the individual submits to a chemical test and the test results indicate a blood or breath alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, or if a peace officer makes a determination, based on reasonable grounds, that the individual is otherwise in violation of Section 41-6a-502, 76-5-102.1, or 76-5-207, a peace officer shall, on behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend the individual's license to drive a motor vehicle.

(4) When a peace officer gives notice on behalf of the division, the peace officer shall supply to the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.

(5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:
(a) a copy of the citation issued for the offense;
(b) a signed report in a manner specified by the division indicating the chemical test results, if any; and
(c) any other basis for the peace officer's determination that the individual has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.

(6)
(a) Upon request in a manner specified by the division, the division shall grant to the individual an opportunity to be heard within 29 days after the date of arrest. The request to be heard shall be made within 10 calendar days of the day on which notice is provided under Subsection (5).
(b)
(i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the division in:
(A) the county in which the arrest occurred; or
(B) a county that is adjacent to the county in which the arrest occurred.
(ii) The division may hold a hearing in some other county if the division and the individual both agree.
(c) The hearing shall be documented and shall cover the issues of:
(i) whether a peace officer had reasonable grounds to believe the individual was driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207;
(ii) whether the individual refused to submit to the test; and
(iii) the test results, if any.
(d)
(i) In connection with a hearing the division or its authorized agent:

(A) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; or

(B) may issue subpoenas for the attendance of necessary peace officers.

(ii) The division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.

(e) The division may designate one or more employees to conduct the hearing.

(f) Any decision made after a hearing before any designated employee is as valid as if made by the division.

(7)

(a) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the individual was driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the individual failed to appear before the division as required in the notice, or if a hearing is not requested under this section, the division shall:

(i) if the individual is 21 years old or older at the time of arrest, suspend the individual's license or permit to operate a motor vehicle for a period of:

(A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or

(B) two years beginning on the 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(ii) if the individual is under 21 years old at the time of arrest:

(A) suspend the individual's license or permit to operate a motor vehicle:

(I) for a period of six months, beginning on the 45th day after the date of arrest for a first suspension; or

(II) until the individual is 21 years old or for a period of two years, whichever is longer, beginning on the 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(B) deny the individual's application for a license or learner's permit:

(I) for a period of six months beginning on the 45th day after the date of the arrest for a first suspension, if the individual has not been issued an operator license; or

(II) until the individual is 21 years old or for a period of two years, whichever is longer, beginning on the 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years.

(b)

(i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall reinstate an individual's license prior to completion of the 120 day suspension period imposed under Subsection (7)(a)(i)(A):

(A) immediately upon receiving written verification of the individual's dismissal of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received prior to completion of the suspension period; or

(B) no sooner than 60 days beginning on the 45th day after the date of arrest upon receiving written verification of the individual's reduction of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received prior to completion of the suspension period.

(ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall reinstate an individual's license prior to completion of the 120-day suspension period imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the individual's conviction of impaired driving under Section 41-6a-502.5 if:

(A) the written verification is received prior to completion of the suspension period; and

(B) the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court as defined in Section 41-6a-501.

(iii) If an individual's license is reinstated under this Subsection (7)(b), the individual is required to pay the license reinstatement application fees under Subsections 53-3-105(26) and (27).

(iv) The driver license reinstatements authorized under this Subsection (7)(b) only apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).

(v) A driver license reinstatement authorized under this Subsection (7)(b) does not apply to a CDL disqualification imposed under Section 53-3-414.

(8)

(a) The division shall assess against an individual, in addition to any fee imposed under Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover administrative costs, which shall be paid before the individual's driving privilege is reinstated. This fee shall be cancelled if the individual obtains an unappealed division hearing or court decision that the suspension was not proper.

(b) An individual whose license has been suspended by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

(9)

(a) Notwithstanding the provisions in Subsection (7)(a)(i), the division shall reinstate an individual's license before completion of the suspension period imposed under Subsection (7)(a)(i) if:

(i)

(A) the reporting court notifies the Driver License Division that the individual is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5; or

(B) the reporting court notifies the Driver License Division that the individual is participating in or has successfully completed a problem solving court program approved by the Judicial Council, including a driving under the influence court program or a drug court program, and has elected to become an interlock restricted driver as a condition of probation during the remainder of the individual's suspension period in accordance with Section 41-6a-518; and

(ii) the individual has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i).

(b) If an individual's license is reinstated under Subsection (9)(a), the individual is required to pay the license reinstatement application fees under Subsections 53-3-105(26) and (27).

(10)

(a) If the division suspends an individual's license for an alcohol related offense under Subsection (7)(a)(i)(A), the individual may petition the division and elect to become an ignition interlock restricted driver if the individual:

(i) has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i)(A);

(ii) installs an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007; and

(iii) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27).

(b)

(i) The individual shall remain an ignition interlock restricted driver for a period of 120 days from the original effective date of the suspension under Subsection (7)(a)(i)(A).

(ii) If the individual removes an ignition interlock device from a vehicle owned or driven by the individual prior to the expiration of the 120-day ignition interlock restriction period and does not install a new ignition interlock device from the same or a different provider within 24 hours:

(A) the individual's driver license shall be suspended under Subsection (7)(a)(i)(A) for the remainder of the 120-day ignition interlock restriction period;

(B) the individual is required to pay the license reinstatement application fee under Subsection 53-3-105(26); and

(C) the individual may not elect to become an ignition interlock restricted driver under this section.

(c) If an individual elects to become an ignition interlock restricted driver under Subsection (10)(a), the provisions under Subsection (7)(b) do not apply.

(11)

(a) If the division suspends an individual's license for an alcohol related offense under Subsection (7)(a)(i)(B), the individual may petition the division and elect to become an ignition interlock restricted driver after the driver serves at least 90 days of the suspension if the individual:

(i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;

(ii) has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i)(B);

(iii) installs an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007; and

(iv) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27);

(b)

(i) The individual shall remain an ignition interlock restricted driver for a period of two years from the original effective date of the suspension under Subsection (7)(a)(i)(B).

(ii) If the individual removes an ignition interlock device from a vehicle owned or driven by the individual prior to the expiration of the two-year ignition interlock restriction period and does not install a new ignition interlock device from the same or a different provider within 24 hours:

(A) the individual's driver license shall be suspended under Subsection (7)(a)(i)(B) for the remainder of the two-year ignition interlock restriction period;

(B) the individual is required to pay the license reinstatement application fee under Subsection 53-3-105(26); and

(C) the individual may not elect to become an ignition interlock restricted driver under this section.

(c) Notwithstanding Subsections (11)(a) and (b), if the individual is subsequently convicted of the violation of Section 41-6a-502 that gave rise to the suspension under Subsection (7)(a)(i)(B), the division shall revoke the individual's license under Subsection 41-6a-509(1)(a)(ii), and the individual is no longer an ignition interlock restricted driver under this Subsection (11).

(12)

(a) Notwithstanding the provisions in Subsection (7)(a)(i)(B), the division shall reinstate an individual's license prior to completion of the two-year suspension period imposed under Subsection (7)(a)(i)(B) immediately upon receiving written verification of the individual's dismissal of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received prior to completion of the suspension period.

(b) If the individual elected to become an ignition interlock restricted driver under Subsection (11), and the division receives written verification of the individual's dismissal of a charge for violation of Section 41-6a-502, the driver is no longer an ignition interlock restricted driver under Subsection (11)(b)(i), and the division shall reinstate the individual's license prior to the completion of the two-year ignition interlock restriction period under Subsection (11)(b)(i).

Amended by Chapter 296, 2025 General Session

**53-3-223.5 Telephonic or live audiovisual testimony at hearings.**

(1) In any division hearing authorized under this chapter or Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving, the division may permit a party or witness to attend or to testify by telephone or live audiovisual means.

(2) Notwithstanding Subsections 41-6a-521(2), 53-3-223(6), 53-3-231(6)(b), and 53-3-518(9)(a), if all parties and witnesses have requested to attend or testify by telephone or live audiovisual means, the division may hold the hearing in a county designated by the division.

Amended by Chapter 520, 2023 General Session

**53-3-224 Filing a petition for hearing -- Judicial review of license cancellation, revocation, or suspension -- Scope of review.**

(1) A person denied a license or whose license has been cancelled, suspended, or revoked by the division following an administrative hearing may seek judicial review of the division's order.

(2)

(a) Venue for judicial review of informal adjudicative proceedings is in the district court in the county where the offense occurred, which resulted in the cancellation, suspension, or revocation.

(b) Persons not residing in the state shall file in Salt Lake County or the county where the offense occurred, which resulted in the cancellation, suspension, or revocation.

Amended by Chapter 261, 2007 General Session

**53-3-225 Eligibility for new license after revocation.**

(1)

(a) Except as provided in Subsections (1)(b) and (c), a person whose license has been revoked under this chapter may not apply for or receive any new license until the expiration of one year from the date the former license was revoked.

(b) A person's license may be revoked for a longer period as provided in:

(i) Section 53-3-220, for driving a motor vehicle while the person's license is revoked, or involvement as a driver in an accident or violation of the motor vehicle laws; and

(ii) Section 53-3-221, for failing to comply with the terms of a traffic citation.

(c)

(i) The length of the revocation required by Subsection 53-3-220(1)(a)(xi), (a)(xii), (b)(i), or (b)(ii) shall be specified in an order of the court adjudicating or convicting the person of the offense.

(ii) If the person adjudicated of the offense is younger than 16 years of age, the license or driving privilege shall be revoked for a minimum of one year, from age 16, but not to exceed the date the person turns 21 years of age.

(iii) If the person adjudicated or convicted of the offense is 16 years of age or older, the license or driving privilege shall be revoked for a minimum of one year, but not to exceed five years.
(d) A revoked license may not be renewed.
(e) Application for a new license shall be filed in accordance with Section 53-3-205.
(f) The new license is subject to all provisions of an original license.
(g) The division may not grant the license until an investigation of the character, driving abilities, and habits of the driver has been made to indicate whether it is safe to grant him a license.
(2) Any resident or nonresident whose license to drive a motor vehicle in this state has been suspended or revoked under this chapter may not drive a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or other source during suspension or after revocation until a new license is obtained under this chapter.

Amended by Chapter 324, 2010 General Session

**53-3-226 Grounds for confiscation of licenses, plates, and other articles issued by state.**
(1) The division or a peace officer acting in his official capacity may take possession of any certificate of title, registration card, decal, permit, license certificate, permit, registration plate, or any other article issued by the state:
(a) that is fictitious or altered;
(b) that has been unlawfully or erroneously issued;
(c) that is unlawfully or erroneously displayed; or
(d) as required under Section 41-6a-520, 53-3-223, 53-3-231, or 53-3-418.
(2) A receipt shall be issued that describes each confiscated item.

Amended by Chapter 2, 2005 General Session

**53-3-227 Driving a motor vehicle prohibited while driving privilege denied, suspended, disqualified, or revoked -- Penalties.**
(1) A person whose driving privilege has been denied, suspended, disqualified, or revoked under this chapter or under the laws of the state in which the person's driving privilege was granted and who drives any motor vehicle upon the highways of this state while that driving privilege is denied, suspended, disqualified, or revoked shall be punished as provided in this section.
(2) A person convicted of a violation of Subsection (1), other than a violation specified in Subsection (3), is guilty of a class C misdemeanor.
(3)
(a) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked for:
(i) a refusal to submit to a chemical test under Section 41-6a-520;
(ii) a violation of Section 41-6a-520.1;
(iii) a violation of Section 41-6a-502;
(iv) a violation of a local ordinance that complies with the requirements of Section 41-6a-510;
(v) a violation of Section 41-6a-517;
(vi) a violation of Section 76-5-207;
(vii) a criminal action that the person plead guilty to as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this Subsection (3);
(viii) a revocation or suspension which has been extended under Subsection 53-3-220(2);

(ix) where disqualification is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under Subsection 53-3-414(1); or
(x) a violation of Section 41-6a-530.
(b) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state, the United States, or any district, possession, or territory of the United States for violations corresponding to the violations listed in Subsection (3)(a).
(c) A fine imposed under this Subsection (3) shall be at least the maximum fine for a class C misdemeanor under Section 76-3-301.

Amended by Chapter 415, 2023 General Session

**53-3-229 Prohibited uses of license certificate -- Penalty.**

(1) It is a class C misdemeanor for an individual to:
(a) lend or knowingly permit the use of a license certificate issued to the individual, by another individual not entitled to the license certificate;
(b) display or represent as the individual's own license certificate a license certificate not issued to the individual;
(c) refuse to surrender to the division or a peace officer upon demand any license certificate issued by the division;
(d) use a false name or give a false address in any application for a license or any renewal or duplicate of the license certificate, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in the application;
(e) display a canceled, denied, revoked, suspended, or disqualified driver license certificate as a valid driver license certificate;
(f) knowingly acquire, use, display, or transfer an item that purports to be an authentic driver license certificate issued by a governmental entity if the item is not an authentic driver license certificate issued by that governmental entity; or
(g) alter any information on an authentic driver license certificate so that it no longer represents the information originally displayed.
(2) The provisions of Subsection (1)(e) do not prohibit the use of an individual's driver license certificate as a means of personal identification.
(3) It is a class A misdemeanor to knowingly:
(a) issue a driver license certificate with false or fraudulent information;
(b) issue a driver license certificate to an individual who is younger than 21 years old if the driver license certificate is not distinguished as required for an individual who is younger than 21 years old under Section 53-3-207; or
(c) acquire, use, display, or transfer a false or altered driver license certificate to procure a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-9-1101.
(4) An individual may not use, display, or transfer a false or altered driver license certificate to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold or consumed, or obtain employment that may not be obtained by a minor in violation of Section 32B-1-403.
(5) It is a third degree felony if an individual's acquisition, use, display, or transfer of a false or altered driver license certificate:
(a) aids or furthers the individual's efforts to fraudulently obtain goods or services; or
(b) aids or furthers the individual's efforts to commit a violent felony.

Amended by Chapter 173, 2025 General Session

**53-3-231 Person under 21 may not operate a vehicle or motorboat with detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension of license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse authority or program.**

(1)

(a) As used in this section:

(i) "Local substance abuse authority" has the same meaning as provided in Section 62A-15-102.

(ii) "Substance abuse program" means any substance abuse program licensed by the Department of Human Services or the Department of Health and approved by the local substance abuse authority.

(b) Calculations of blood, breath, or urine alcohol concentration under this section shall be made in accordance with the procedures in Subsection 41-6a-502(1).

(2)

(a) A person younger than 21 years of age may not operate or be in actual physical control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol concentration in the person's body as shown by a chemical test.

(b) A person who violates Subsection (2)(a), in addition to any other applicable penalties arising out of the incident, shall have the person's operator license denied or suspended as provided in Subsection (7).

(3)

(a) When a peace officer has reasonable grounds to believe that a person may be violating or has violated Subsection (2), the peace officer may, in connection with arresting the person for a violation of Section 32B-4-409, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.

(b) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

(c) If the person submits to a chemical test and the test results indicate a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the arrest, give notice of the division's intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license under this section.

(4) When a peace officer gives notice on behalf of the division, the peace officer shall supply to the operator, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.

(5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:

(a) a copy of the citation issued for the offense;

(b) a signed report in a manner specified by the Driver License Division indicating the chemical test results, if any; and

(c) any other basis for a peace officer's determination that the person has violated Subsection (2).

(6)

(a)
(i) Upon request in a manner specified by the division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest under Section 32B-4-409.
(ii) The request shall be made within 10 calendar days of the day on which notice is provided.
(b)
(i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the division in:
(A) the county in which the arrest occurred; or
(B) a county that is adjacent to the county in which the arrest occurred.
(ii) The division may hold a hearing in some other county if the division and the person both agree.
(c) The hearing shall be documented and shall cover the issues of:
(i) whether a peace officer had reasonable grounds to believe the person was operating a motor vehicle or motorboat in violation of Subsection (2)(a);
(ii) whether the person refused to submit to the test; and
(iii) the test results, if any.
(d) In connection with a hearing, the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and records as defined in Section 46-4-102.
(e) One or more members of the division may conduct the hearing.
(f) Any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.
(7) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a), if the person fails to appear before the division as required in the notice, or if the person does not request a hearing under this section, the division shall for a person under 21 years of age on the date of arrest:
(a) deny the person's license until the person complies with Subsection (10)(b)(i) but for a period of not less than six months beginning on the 45th day after the date of arrest for a first offense under Subsection (2)(a);
(b) suspend the person's license until the person complies with Subsection (10)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 45th day after the date of arrest for a second or subsequent offense under Subsection (2)(a) within 10 years of a prior denial or suspension;
(c) deny the person's application for a license or learner's permit until the person complies with Subsection (10)(b)(i) but for a period of not less than six months beginning on the 45th day after the date of the arrest, if:
(i) the person has not been issued an operator license; and
(ii) the suspension is for a first offense under Subsection (2)(a);
(d) deny the person's application for a license or learner's permit until the person complies with Subsection (10)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 45th day after the date of the arrest, if:
(i) the person has not been issued an operator license; and
(ii) the suspension is for a second or subsequent offense under Subsection (2)(a) committed within 10 years of a prior denial or suspension.
(8)
(a)

(i) Following denial or suspension the division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.

(ii) This fee shall be canceled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.

(b) A person whose operator license has been denied, suspended, or postponed by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

(9) After reinstatement of an operator license for a first offense under this section, a report authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the person's operator license under this section if the person has not been convicted of any other offense for which the denial or suspension may be extended.

(10)

(a) In addition to the penalties in Subsection (8), a person who violates Subsection (2)(a) shall:

(i) obtain an assessment and recommendation for appropriate action from a substance abuse program, but any associated costs shall be the person's responsibility; or

(ii) be referred by the division to the local substance abuse authority for an assessment and recommendation for appropriate action.

(b)

(i) Reinstatement of the person's operator license or the right to obtain an operator license within five years of the effective date of the license sanction under Subsection (7) is contingent upon successful completion of the action recommended by the local substance abuse authority or the substance abuse program.

(ii) The local substance abuse authority's or the substance abuse program's recommended action shall be determined by an assessment of the person's alcohol abuse and may include:

(A) a targeted education and prevention program;

(B) an early intervention program; or

(C) a substance abuse treatment program.

(iii) Successful completion of the recommended action shall be determined by standards established by the Division of Substance Abuse and Mental Health.

(c) At the conclusion of the penalty period imposed under Subsection (2), the local substance abuse authority or the substance abuse program shall notify the division of the person's status regarding completion of the recommended action.

(d) The local substance abuse authorities and the substance abuse programs shall cooperate with the division in:

(i) conducting the assessments;

(ii) making appropriate recommendations for action; and

(iii) notifying the division about the person's status regarding completion of the recommended action.

(e)

(i) The local substance abuse authority is responsible for the cost of the assessment of the person's alcohol abuse, if the assessment is conducted by the local substance abuse authority.

(ii) The local substance abuse authority or a substance abuse program selected by a person is responsible for:

(A) conducting an assessment of the person's alcohol abuse; and

(B) for making a referral to an appropriate program on the basis of the findings of the assessment.

(iii)

(A) The person who violated Subsection (2)(a) is responsible for all costs and fees associated with the recommended program to which the person selected or is referred.

(B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding scale consistent with the local substance abuse authority's policies and practices regarding fees for services or determined by the substance abuse program.

Amended by Chapter 177, 2020 General Session

**53-3-234 Driver license application -- Selective Service Registration -- Statement.**

(1) The following information for each male United States citizen or immigrant under the age of 26 shall be electronically transmitted by the division to the Selective Service System:

(a) name;

(b) address;

(c) Social Security number; and

(d) date of birth.

(2) Each application for any type of license to operate a motor vehicle in this state shall contain the following statement which must be acknowledged by the applicant:

"By submitting this application, I am consenting to registration with the Selective Service System, if required by federal law."

(3) Refusal to consent to the release of information to the Selective Service System shall result in the denial of the license.

Enacted by Chapter 125, 2001 General Session

**53-3-235 Electronic license certificate or identification card.**

(1)

(a) On or before January 1, 2021, the division shall establish a pilot program for a process and system for an individual to obtain an electronic license certificate or identification card.

(b) Based on information and results from the pilot program described in Subsection (1)(a), on or before January 1, 2022, the division shall establish a process and system for an individual to obtain an electronic license certificate or identification card.

(2) In order to contract with a vendor to establish a process and system to issue an electronic license certificate or identification card, the division shall issue a standard procurement process in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules necessary to facilitate the implementation, coordination, and administration of electronic license certificates and identification cards.

Amended by Chapter 262, 2020 General Session

***Effective 1/1/2026***

**53-3-236 Interdicted person identifier -- License notation.**

(1) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:

(a)

(i) may accept an application from the individual for a duplicate license that includes an interdicted person identifier; and
(ii) if the individual submits an application and qualifies for a license certificate, may provide a license certificate with the interdicted person identifier; or
(b)
(i) may accept an application from the individual for a renewal of a license or an original license with an interdicted person identifier; and
(ii) if the individual submits an application and qualifies for a license certificate, may provide a license certificate with an interdicted person identifier.
(2) The division may not provide to an individual a license certificate without the interdicted person identifier during the time period the court has designated the person as an interdicted person.
(3)
(a) An individual may voluntarily apply for a duplicate license, original license, or renewal of a license that includes an interdicted person identifier.
(b) An individual that voluntarily applies for a duplicate license, original license, or renewal of a license with an interdicted person identifier may not apply for another duplicate license, original license, or renewal of a license without the interdicted person identifier for at least 30 days after the application for the license certificate with the interdicted person identifier.
(4) An individual may not hold a license certificate with an interdicted person identifier while also holding another license certificate.
(5) The division may charge an administrative fee as described in Subsection 53-3-105(40) to an individual to process and provide a license certificate with an interdicted person identifier.
(6) An individual who is designated as an interdicted person by a court is subject to the duplicate license fee and other fees necessary to administer the license certificate with the interdicted person identifier.

Enacted by Chapter 471, 2025 General Session

## Part 3
## Impaired Persons Licensing Act

### 53-3-301 Short title.

This part is known as the "Impaired Persons Licensing Act."

Enacted by Chapter 234, 1993 General Session

### 53-3-302 Definitions.

As used in this part:
(1) "Board" means the Driver License Medical Advisory Board created in Section 53-3-303.
(2) "Health care professional" means a physician or surgeon licensed to practice medicine in the state, or when recommended by the Medical Advisory Board, may include other health care professionals licensed to conduct physical examinations in this state.
(3)
(a) "Impaired person" means a person who has a mental, emotional, or nonstable physical disability or disease that may impair the person's ability to exercise reasonable and ordinary control at all times over a motor vehicle while driving on the highways.

(b) "Impaired person" does not include a person having a nonprogressive or stable physical impairment that is objectively observable and that may be evaluated by a functional driving examination.

Enacted by Chapter 234, 1993 General Session

**53-3-303 Driver License Medical Advisory Board -- Membership -- Guidelines for licensing impaired persons -- Recommendations to division.**

(1) There is created within the division the Driver License Medical Advisory Board.

(2)

(a) The board is comprised of three regular members appointed by the Commissioner of Public Safety to four-year terms.

(b) The board shall be assisted by expert panel members nominated by the board as necessary and as approved by the Commissioner of Public Safety.

(c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(e) The expert panel members shall recommend medical standards in the areas of the panel members' special competence for determining the physical, mental, and emotional capabilities of applicants for licenses and licensees.

(3) In reviewing individual cases, a panel acting with the authority of the board consists of at least two members, of which at least one is a regular board member.

(4) The director of the division or his designee serves as secretary to the board and its panels.

(5) Members of the board and expert panel members nominated by them shall be health care professionals.

(6) 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.

(7) The board shall meet from time to time when called by the director of the division.

(8)

(a) The board shall recommend guidelines and standards for determining the physical, mental, and emotional capabilities of applicants for licenses and for licensees.

(b) The guidelines and standards are applicable to all Utah licensees and for all individuals who hold learner permits and are participating in driving activities in all forms of driver education.

(c) The guidelines and standards shall be published by the division.

(9) If the division has reason to believe that an applicant or licensee is an impaired person, it may:

(a) act upon the matter based upon the published guidelines and standards; or

(b) convene a panel to consider the matter and submit findings and a recommendation; the division shall consider the recommendation along with other evidence in determining whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.

(10)

(a) If the division has acted under Subsection (9) to suspend, revoke, deny, disqualify, cancel, or restrict the driving privilege without the convening of a panel, the affected applicant or

licensee may within 10 days of receiving notice of the action request in a manner prescribed by the division a review of the division's action by a panel.

(b) The panel shall review the matters and make written findings and conclusions.

(c) The division shall affirm or modify its previous action.

(11)

(a) Actions of the division are subject to judicial review as provided in this part.

(b) The guidelines, standards, findings, conclusions, and recommendations of the board or of a panel are admissible as evidence in any judicial review.

(12) Members of the board and its panels incur no liability for recommendations, findings, conclusions, or for other acts performed in good faith and incidental to membership on the board or a panel.

(13) The division shall provide forms for the use of health care professionals in depicting the medical history of any physical, mental, or emotional impairment affecting the applicant's or licensee's ability to drive a motor vehicle.

(14)

(a)

(i) Individuals who apply for or hold a license and have, or develop, or suspect that they have developed a physical, mental, or emotional impairment that may affect driving safety are responsible for reporting this to the division or its agent.

(ii) If there is uncertainty, the individual is expected to seek competent medical evaluation and advice as to the significance of the impairment as it relates to driving safety, and to refrain from driving until a clarification is made.

(b) Health care professionals who care for patients with physical, mental, or emotional impairments that may affect their driving safety, whether defined by published guidelines and standards or not, are responsible for making available to their patients without reservation their recommendations and appropriate information related to driving safety and responsibilities.

(c) A health care professional or other person who becomes aware of a physical, mental, or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the division in good faith has immunity from any damages claimed as a result of making the report.

Amended by Chapter 286, 2010 General Session

**53-3-303.5 Driver License Medical Advisory Board -- Medical waivers.**

(1) The Driver License Medical Advisory Board shall:

(a) advise the director of the division; and

(b) establish and recommend in a manner specified by the board functional ability profile guidelines and standards for determining the physical, mental, and emotional capabilities of applicants for specific types of licenses, appropriate to various driving abilities.

(2)

(a) The Driver License Medical Advisory Board shall establish fitness standards, including provisions for a waiver of specified federal driver's physical qualifications under 49 CFR 391.41, for intrastate commercial driving privileges.

(b) The standards under this Subsection (2) may only be implemented if the United States Department of Transportation (USDOT) will not impose any sanctions, including funding sanctions, against the state.

(3) In case of uncertainty of interpretation of these guidelines and standards, or in special circumstances, applicants may request a review of any division decision by a panel of board members. All of the actions of the director and board are subject to judicial review.

(4)

(a) If a person applies for a waiver established under Subsection (2), the applicant shall bear any costs directly associated with the cost of administration of the waiver program, with respect to the applicant's application, in addition to any fees required under Section 53-3-105.

(b) The division shall establish any additional fee necessary to administer the license under this Subsection (4) in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

**53-3-304 Licensing of persons with impairments -- Medical review -- Restricted license -- Procedures.**

(1)

(a) If the division has reason to believe that an applicant for a license or a mobility vehicle permit is a person with an impairment, the division may require one or both of the following:

(i) a physical examination of the applicant by a health care professional and the submittal by the health care professional of a signed medical report indicating the results of the physical examination;

(ii) a follow-up medical review of the applicant by a health care professional and completion of a medical report at intervals established by the division under standards recommended by the board.

(b) The format of the medical report required under Subsection (1)(a) shall be devised by the division with the advice of the board and shall elicit the necessary medical information to determine whether it would be a public safety hazard to permit the applicant to drive a motor vehicle or mobility vehicle on the highways.

(2)

(a) The division may grant a restricted license to a person with an impairment who is otherwise qualified to obtain a license.

(b) The division may grant a restricted mobility vehicle permit to a person with an impairment who is otherwise qualified to obtain a mobility vehicle permit.

(c) The license or mobility vehicle permit continues in effect until its expiration date so long as the licensee complies with the requirements set forth by the division.

(d) The license or mobility vehicle permit renewal is subject to the conditions of this section.

(e) Any physical, mental, or emotional impairment of the applicant that in the opinion of the division does not affect the applicant's ability to exercise reasonable and ordinary control at all times in driving a motor vehicle upon the highway, does not prevent granting a license or mobility vehicle permit to the applicant.

(3)

(a) If an examination is required under this section, the division is not bound by the recommendation of the examining health care professional but shall give fair consideration to the recommendation in acting upon the application. The criterion is whether upon all the evidence it is safe to permit the applicant to drive a motor vehicle or mobility vehicle.

(b) In deciding whether to grant or deny a license or mobility vehicle permit, the division may be guided by the opinion of experts in the fields of diagnosing and treating mental, physical, or emotional disabilities and may take into consideration any other factors that bear on the issue of public safety.

(4) Information provided under this section relating to physical, mental, or emotional impairment is classified under Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 225, 2014 General Session

**53-3-305 Notification of impaired person to the division -- Confidentiality of notification -- Rulemaking -- Penalty.**

(1) A person who is aware of a physical, mental, or emotional impairment of another person that appears to present an imminent threat to driving safety may notify the division of the impairment.

(2) If the division determines that the notification made under Subsection (1) was made in good faith, the division may require the person who is the subject of the notification to submit to:
  (a) one or more medical reports under Subsection 53-3-304(1);
  (b) a physical and mental fitness test under Section 53-3-206;
  (c) the knowledge test required by the division; or
  (d) the skills test approved by the division.

(3)
  (a) A person making a notification under Subsection (1) may request that the notification be confidential.
  (b) If requested by the person notifying the division, the notification provided under this section relating to a physical, mental, or emotional impairment is classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, and the identity of the person notifying the division may not be disclosed by the division.
  (c) The division may not accept an anonymous notification under this section.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing procedures for making a protected notification under this section to ensure that the notification is made in good faith.

(5) A person who makes a notification with the intent to annoy, intimidate, or harass the person that is the subject of the notification is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

## Part 4
## Uniform Commercial Driver License Act

**53-3-401 Short title.**

This part is known as the "Uniform Commercial Driver License Act."

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-401.1 Conflict with Federal Motor Carrier Safety Regulations.**

Federal Motor Carrier Safety Regulations supersede any conflicting provisions of this chapter pertaining to licensing of commercial motor vehicle operators.

Enacted by Chapter 422, 2015 General Session

**53-3-402 Definitions.**

As used in this part:

(1) "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means the number of grams of alcohol per:

(a) 100 milliliters of blood;

(b) 210 liters of breath; or

(c) 67 milliliters of urine.

(3) "Commercial driver license information system" or "CDLIS" means the information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, as a clearinghouse for information related to the licensing and identification of commercial motor vehicle drivers.

(4) "Controlled substance" means any substance so classified under Section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to time.

(5) "Drug and Alcohol Clearinghouse" means the database established under 49 C.F.R. Sec. 382, that requires an employer and service agent to report information to and to query regarding a driver who is subject to the United States Department of Transportation controlled substance and alcohol testing regulations.

(6) "Employee" means any driver of a commercial motor vehicle, including:

(a) full-time, regularly employed drivers;

(b) casual, intermittent, or occasional drivers;

(c) leased drivers; and

(d) independent, owner-operator contractors while in the course of driving a commercial motor vehicle who are either directly employed by or under lease to an employer.

(7) "Employer" means any individual or person including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an individual to drive a commercial motor vehicle.

(8) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term of more than one year.

(9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state of the United States.

(10) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed units and the loads on those units.

(11) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec. 383.5.

(12) "Imminent hazard" means the existence of a condition, practice, or violation that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment is expected to occur immediately, or before the condition, practice, or violation can be abated.

(13) "Medical certification status" means the medical certification of a commercial driver license holder or commercial motor vehicle operator in any of the following categories:

(a) Non-excepted interstate. An individual shall certify that the individual:

(i) operates or expects to operate in interstate commerce;

(ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part 391; and

(iii) is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.

(b) Excepted interstate. An individual shall certify that the individual:

(i) operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Sec. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. Part 391; and
(ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.
(c) Non-excepted intrastate. An individual shall certify that the individual:
(i) operates only in intrastate commerce; and
(ii) is subject to state driver qualification requirements under Sections 53-3-303.5, 53-3-304, and 53-3-414.
(d) Excepted intrastate. An individual shall certify that the individual:
(i) operates in intrastate commerce; and
(ii) engages exclusively in transportation or operations excepted from all parts of the state driver qualification requirements.
(14) "NDR" means the National Driver Register.
(15) "Nonresident CDL" means a commercial driver license issued by a state to an individual who resides in a foreign jurisdiction.
(16) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.
(17) "Port-of-entry agent" has the same meaning as provided in Section 72-1-102.
(18) "Serious traffic violation" means a conviction of any of the following:
(a) speeding 15 or more miles per hour above the posted speed limit;
(b) reckless driving as defined by state or local law;
(c) improper or erratic traffic lane changes;
(d) following the vehicle ahead too closely;
(e) any other motor vehicle traffic law which arises in connection with a fatal traffic accident;
(f) operating a commercial motor vehicle without a CDL or a CDIP;
(g) operating a commercial motor vehicle without the proper class of CDL or CDL endorsement for the type of vehicle group being operated or for the passengers or cargo being transported;
(h) operating a commercial motor vehicle without a CDL or CDIP license certificate in the driver's possession in violation of Section 53-3-404;
(i) using a wireless communication device in violation of Section 41-6a-1716 while operating a commercial motor vehicle; or
(j) using a hand-held mobile telephone while operating a commercial motor vehicle in violation of 49 C.F.R. Sec. 392.82.
(19) "State" means a state of the United States, the District of Columbia, any province or territory of Canada, or Mexico.
(20) "United States" means the 50 states and the District of Columbia.

Amended by Chapter 296, 2025 General Session

**53-3-403 Superseding clause.**

This part supersedes the general licensing provisions of state law contained in Part 1, Driver License Division Administration, and Part 2, Driver Licensing Act, of this chapter.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-404 Requirements to drive commercial motor vehicle.**

(1) A person may not drive a commercial motor vehicle, unless the person has been issued and is in immediate possession of:

(a) a CDL license certificate valid for the commercial motor vehicle the person is driving; or
(b) a valid CDIP license certificate in accordance with Section 53-3-408.
(2)
(a) A licensee shall display a CDL or CDIP license certificate upon demand of a justice court judge, a peace officer, a special function officer, a port-of-entry officer, or a designee of the division.
(b) It is a defense to a charge under this section that the person charged produces in court a CDL or CDIP license certificate that is issued to the person and valid at the time of the citation or arrest.
(3) A person may not drive a commercial motor vehicle if the person's privilege to drive a commercial motor vehicle is:
(a) suspended, revoked, or canceled;
(b) subject to a disqualification;
(c) subject to an out-of-service order; or
(d) not medically certified as defined in Section 53-3-402.
(4) A person may not drive a commercial motor vehicle if the commercial motor vehicle is subject to an out-of-service order.

Amended by Chapter 190, 2011 General Session

**53-3-405 Authority to drive commercial motor vehicle in Utah.**
(1) A person who holds or is required to hold a CDL may drive a commercial motor vehicle in this state if:
(a) the person has a CDL issued by any state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses;
(b) the person's license is not denied, suspended, revoked, or canceled;
(c) the person is not disqualified from driving a commercial motor vehicle; and
(d) the person has a valid medical certification status.
(2) This section supersedes any provision to the contrary.

Amended by Chapter 190, 2011 General Session

**53-3-406 Commercial motor vehicle driver -- Only one license.**
Any person who drives a commercial motor vehicle may only have one license.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-407 Qualifications for commercial driver license -- Fee -- Third parties may administer skills test.**
(1)
(a) As used in this section, "CDL driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation that:
(i) educates and trains persons, either practically or theoretically, or both, to drive commercial motor vehicles; and
(ii) prepares an applicant for an examination under Subsection (2)(a)(iii).
(b) A CDL driver training school may charge a consideration or tuition for the services provided under Subsection (1)(a).
(2)

(a) Except as provided in Subsection (2)(c), a CDL may be issued only to a person who:
(i) is a resident of this state or is an out-of-state resident if the person qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;
(ii) has held a CDIP for a minimum of 14 days prior to taking the skills test under 49 C.F.R. Part 383, including a person who is upgrading a CDL class or endorsement requiring a skills test under 49 C.F.R. Part 383;
(iii) has passed a test of knowledge and skills for driving a commercial motor vehicle, that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383, Subparts G and H; and
(iv) has complied with all requirements of 49 C.F.R. Part 383 and other applicable state laws and federal regulations.
(b) A person who applies for a CDL is exempt from the requirement to pass a skills test to be eligible for the license if the person:
(i) is a resident of the state of Utah;
(ii) has successfully completed a skills test administered by a state or a party authorized by a state or jurisdiction that is compliant with 49 C.F.R. Part 383; and
(iii) held a valid Utah CDIP at the time the test was administered.
(c) The department shall waive any tests specified in this section for a commercial driver license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec. 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and certifies that the applicant:
(i) is a member of the active or reserve components of any branch or unit of the armed forces or a veteran who received an honorable or general discharge from any branch or unit of the active or reserve components of the United States Armed Forces;
(ii) is or was regularly employed in a position in the armed forces requiring operation of a commercial motor vehicle; and
(iii) has legally operated, while on active duty for at least two years immediately preceding application for a commercial driver license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.
(d) An applicant who requests a waiver under Subsection (2)(c) shall present a completed application for a military skills test waiver at the time of the request.
(3) Tests required under this section shall be prescribed and administered by the division.
(4) The division shall authorize a person, an agency of this state, an employer, a private driver training facility or other private institution, or a department, agency, or entity of local government to administer the skills test required under this section if:
(a) the test is the same test as prescribed by the division, and is administered in the same manner; and
(b) the party authorized under this section to administer the test has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75.
(5)
(a) An out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by a party authorized under this section.
(b) A person authorized under this section to administer the skills test may charge a fee for administration of the skills test.
(c) A person authorized under this section to administer the skills test shall:
(i) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

(ii) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.

(6) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.

(7) A person authorized under this section to administer the skills test is not criminally or civilly liable for the administration of the test unless he administers the test in a grossly negligent manner.

(8) The division may waive the skills test required under this section if it determines that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

Amended by Chapter 46, 2022 General Session

**53-3-407.1 Commercial driver license third party tester or third party examiner license -- Fingerprint background check required.**

(1) A commercial driver license third party tester or commercial driver license third party examiner shall be licensed by the division to be eligible to administer the commercial driver license skills tests.

(2)

(a) An applicant for a commercial driver license third party tester or third party examiner license shall submit fingerprints in a form acceptable to the division at the time the license application is filed and shall consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.

(b) The division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check for each commercial driver license third party tester or third party examiner applicant through the national criminal history system or any successor system.

(c) The Utah Bureau of Criminal Identification shall release to the division all information received in response to the division's request under this Subsection (2).

(d) A commercial driver license third party tester or third party examiner license may not be issued under this section until the criminal background check required under this Subsection (2) has been completed and reviewed by the division.

(e) In addition to any fees imposed under this chapter, the division shall:

(i) impose on individuals submitting fingerprints in accordance with this Subsection (2) the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under this section; and

(ii) remit the fees collected under this Subsection (2)(e) to the Bureau of Criminal Identification.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:

(a) minimum standards for a commercial driver license third party tester or third party examiner license;

(b) procedures for an applicant to apply for a commercial driver license third party tester or third party examiner license;

(c) minimum standards for the commercial driver license skills test; and

(d) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer or process a commercial driver license skills test for an applicant to receive a commercial driver license.

Enacted by Chapter 411, 2013 General Session

**53-3-408 Qualifications for commercial driver instruction permit.**

(1) The division may issue a CDIP to a person who:
  (a) is 18 years of age or older;
  (b) holds a valid license;
  (c) has at least one year of driving experience; and
  (d) has passed the vision and knowledge test for the class of license for which the person is applying.
(2) The division may issue a CDIP only for a period not to exceed 180 days.
(3) The holder of a CDIP may drive a commercial motor vehicle on a highway only when accompanied by a person who:
  (a)
    (i) holds a CDL valid for the class and endorsements of commercial motor vehicle driven; or
    (ii) is certified by the division to administer driver licensing examinations to CDL applicants; and
  (b) occupies a seat beside the individual for the purpose of:
    (i) giving the driver instruction regarding the driving of the commercial motor vehicle; or
    (ii) administering a driver licensing examination to a CDL applicant.
(4) A CDL or CDIP may not be issued to a person:
  (a) subject to disqualification from driving a commercial motor vehicle; or
  (b) whose license is suspended, revoked, or canceled in any state.
(5) A CDL or CDIP may not be issued to a person until the person has surrendered all license certificates the person holds to the division for cancellation.

Amended by Chapter 175, 2016 General Session

**53-3-409 Drug and Alcohol Clearinghouse.**

(1) The division shall query the Drug and Alcohol Clearinghouse before:
  (a) issuing an original CDL or CDIP;
  (b) renewing a CDL or CDIP;
  (c) issuing a duplicate CDL or CDIP;
  (d) upgrading a CDL or CDIP; or
  (e) transferring a CDL or CDIP from another jurisdiction.
(2) Upon receipt of information from the Drug and Alcohol Clearinghouse that an applicant is prohibited from operating a commercial motor vehicle, the division shall deny the:
  (a) issuance of an original CDL or CDIP;
  (b) renewal of a CDL or CDIP;
  (c) issuance of a duplicate CDL or CDIP;
  (d) upgrade of a CDL or CDIP; or
  (e) transfer of a CDL or CDIP.
(3) If the division determines that an individual who holds a CDL or CDIP is prohibited from operating a commercial motor vehicle under this part or 49 C.F.R. Sec. 382.501, the individual shall be required to downgrade the CDL or CDIP to a class D license.
(4) If the division receives notification pursuant to 49 C.F.R. Sec. 382.503 that the individual is no longer prohibited from operating a commercial motor vehicle, the division may terminate the downgrade process.
(5) A reinstatement to a CDL or CDIP after downgrade to a class D license may be completed if:

(a) the division receives notification pursuant to 49 C.F.R. Sec. 382.503 that the individual is no longer prohibited from operating a commercial motor vehicle; or
(b) the division receives notification that the individual was erroneously identified as prohibited from operating a commercial motor vehicle.
(6) If the division receives a notification described in Subsection (5)(b), the division shall:
(a) reinstate the CDL or CDIP privilege as expeditiously as possible; and
(b) remove any reference to the prohibited status from the CDLIS record and motor vehicle record.
(7) Failure to comply with the requirements of this section shall result in the denial of the license under Section 53-3-221.

Enacted by Chapter 296, 2025 General Session

**53-3-410 Applicant information required for CDIP and CDL -- State resident to have state CDL.**
(1) The application for a CDL, limited-term CDL, or CDIP shall include the following information regarding the applicant:
(a) full legal name;
(b) current mailing address;
(c) Utah residential address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b);
(d) physical description, including sex, height, weight, and eye color;
(e) date of birth;
(f) documentary evidence of the applicant's valid Social Security number;
(g) a complete list of all states in which the applicant was issued a driver license in the previous 10 years upon:
(i) initial issuance of a Utah license;
(ii) renewal of a CDL for the first time after September 30, 2002; or
(iii) transfer of a CDL from another state;
(h) the applicant's signature;
(i) evidence of the applicant's lawful presence in the United States by providing documentary evidence:
(i) that a person is:
(A) a United States Citizen;
(B) a United States national; or
(C) a legal permanent resident alien; or
(ii) of the applicant's:
(A) unexpired immigrant or nonimmigrant visa status for admission into the United States;
(B) pending or approved application for asylum in the United States;
(C) admission into the United States as a refugee;
(D) pending or approved application for temporary protected status in the United States;
(E) approved deferred action status;
(F) pending application for adjustment of status to legal permanent resident or conditional resident; or
(G) conditional permanent resident alien status; and
(j) beginning on January 30, 2012, a medical certification status.
(2) An application under this section shall also include all certifications required by 49 C.F.R., Part 383.71.

(3) When the holder of a license under this part changes the holder's name, mailing address, or residence, the holder shall make application for a duplicate license within 30 days of the change.
(4) A person who has been a resident of this state for 30 consecutive days may not drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

Amended by Chapter 175, 2016 General Session

**53-3-410.1 Medical certification requirements.**
(1) A person whose medical certification status is:
(a) "non-excepted interstate" under Subsection 53-3-402(12)(a) is required to provide the division a medical self-certification and an updated medical examiner's certificate under 49 C.F.R. Sec. 391.45 upon request by the division;
(b) "excepted interstate" under Subsection 53-3-402(12)(b) is required to provide to the division a medical self-certification upon request by the division;
(c) "non-excepted intrastate" under Subsection 53-3-402(12)(c) is required to, upon request by the division:
(i) provide to the division a medical self-certification; and
(ii) comply with the requirements of Section 53-3-303.5; or
(d) "excepted intrastate" under Subsection 53-3-402(12)(b) is required to, upon request by the division:
(i) provide to the division a medical self-certification; and
(ii)
(A) provide to the division an updated medical examiner's certificate under 49 C.F.R. Sec. 391.45; or
(B) comply with the requirements of Section 53-3-303.5.
(2) A request by the division for a person to comply with Subsection (1) to provide a:
(a) medical examiner's certificate, shall correspond with:
(i) the initial application for a CDL or CDIP;
(ii) the transfer of a CDL from another jurisdiction to Utah;
(iii) the expiration of the previously submitted medical examiner's certificate; or
(iv) documentary evidence received by the division under Subsection (1) that indicates the driver may not be medically qualified to operate a CMV; or
(b) medical self-certification, shall correspond with:
(i) the initial application for a CDL or CDIP;
(ii) the transfer of a CDL from another jurisdiction to Utah;
(iii) the renewal of a CDL or CDIP;
(iv) the upgrade of a commercial license class; or
(v) documentary evidence received by the division under Subsection (1) that indicates the driver may not be medically qualified to operate a CMV.
(3)
(a) Except as provided in Subsection (3)(b), if the division determines that a person is no longer medically qualified to operate a CMV, the person shall be required to downgrade the person's CDL to a class D license.
(b) If the division determines that a person is incompetent to drive a motor vehicle or has a mental or physical disability rendering the person unable to safely drive a motor vehicle upon

the highways, the division shall deny the person's driving privileges as described in Section 53-3-221.

(4) If a person fails to comply with a request under this section, the person shall be required to downgrade the person's CDL to a class D license.

(5) Failure to comply with the requirement of this section shall result in the denial of the license under Section 53-3-221.

Amended by Chapter 46, 2022 General Session

**53-3-411 Description of CDL -- Information to be included.**

(1) The CDL certificate shall be printed with the identifying words "Commercial Driver License" or "CDL".

(2) To the maximum extent practicable, the CDL certificate shall be resistant to alteration.

(3) The CDL certificate shall include:

(a) the legal name and principal place of residence of the holder;

(b) the holder's photograph in color;

(c) a physical description of the holder, including sex and height;

(d) the holder's birth date;

(e) the holder's Utah license certificate number;

(f) the holder's signature;

(g) the class or type of commercial motor vehicle or vehicles the holder is authorized to drive;

(h) any endorsements or restrictions to which the holder is subject;

(i) the name of the issuing state; and

(j) the dates between which the CDL is valid.

(4) The CDL may not include the holder's Social Security number.

Amended by Chapter 144, 2004 General Session

**53-3-412 CDL classifications, endorsements, and restrictions.**

(1) A CDL may be granted with the following classifications, endorsements, and restrictions:

(a) Classifications:

(i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;

(ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more, including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less; and

(iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle is designed:

(A) to carry 16 or more passengers, including the driver;

(B) as a school bus, and weighing less than 26,001 pounds GVWR; or

(C) to transport hazardous materials that requires the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F.

(b) Endorsements:

(i) "H" authorizes the driver to drive a commercial motor vehicle transporting hazardous materials as defined in 49 C.F.R. Sec. 383.5.

(ii) "N" authorizes the driver to drive a tank vehicle.

(iii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more passengers including the driver.

(iv) "S" authorizes the driver to transport preprimary, primary, or secondary school students from home to school, school to home, or to and from school-sponsored events.
(v) "T" authorizes the driver to drive a commercial motor vehicle with a double or triple trailer.
(vi) "X" authorizes the driver to drive a tank vehicle and transport hazardous materials.
(c) Restrictions:
(i) "E" restricts the driver from driving a commercial motor vehicle with a manual transmission.
(ii) "K" restricts the driver to driving intrastate only any commercial motor vehicle as defined by 49 C.F.R. Parts 383 and 390.
(iii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air brakes.
(iv) "J" provides for other CDL restrictions.
(v) "M" restricts a driver from transporting passengers using a class A bus.
(vi) "N" restricts a driver from transporting passengers using a class A or class B bus.
(vii) "O" restricts a driver from driving a commercial motor vehicle equipped with a tractor trailer.
(viii)
(A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.
(B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.
(ix) "Z" restricts a driver from driving a commercial motor vehicle with non-fully equipped air brakes.
(2) A commercial driver instruction permit may be granted with the following classifications, endorsements, and restrictions:
(a) Classifications:
(i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;
(ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more, including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less; and
(iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle is designed:
(A) to carry 16 or more passengers, including the driver;
(B) as a school bus, and weighing less than 26,001 pounds GVWR; or
(C) to transport hazardous material that requires the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F.
(b) Endorsements:
(i) "N" authorizes the driver to drive a tank vehicle. An "N" endorsement may only be issued with an "X" restriction.
(ii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more passengers including the driver. A "P" endorsement may only be issued with a "P" restriction.
(iii) "S" authorizes the driver to transport preprimary, primary, or secondary school students from home to school, school to home, or to and from school-sponsored events. An "S" endorsement may only be issued with a "P" restriction.
(c) Restrictions:
(i) "K" restricts the driver to driving intrastate only any commercial motor vehicle as defined by 49 C.F.R. Parts 383 and 390.
(ii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air brakes.
(iii) "M" restricts a driver from transporting passengers using a class A bus.

(iv) "N" restricts a driver from transporting passengers using a class A or class B bus.
(v) "P" restricts a driver from having one or more passengers in the vehicle while driving a commercial motor vehicle bus unless the passenger is:
(A) a federal or state auditor or inspector;
(B) a test examiner;
(C) another trainee; or
(D) the CDL holder accompanying the CDIP holder as required in 49 C.F.R. Sec. 383.25.
(vi)
(A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.
(B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.
(vii) "X" restricts a driver from having cargo in a commercial motor vehicle tank vehicle.
(3) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

**53-3-413 Issuance of CDL by division -- Driving record -- Expiration date -- Renewal -- Hazardous materials provision.**

(1) Before the division may grant a CDL, the division shall obtain the driving record information regarding the applicant through the CDLIS, the NDR, and from each state where the applicant has been licensed.
(2) The division shall notify the CDLIS and provide all information required to ensure identification of the CDL holder within 10 days after:
(a) issuing a CDL following application for an original, renewal, transfer, or upgrade of the CDL; or
(b) any change is made to the identifying information of a CDL holder.
(3)
(a) The expiration date for a CDL is the birth date of the holder in the fifth year following the year of issuance of the CDL.
(b) A limited-term CDL expires on:
(i) the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided in Subsection (3)(a), whichever is sooner; or
(ii) on the birth date of the applicant in the first year following the year that the limited-term CDL was issued if there is no definite end to the individual's period of authorized stay.
(c) A CDL held by an individual ordered to active duty and stationed outside Utah in any of the armed forces of the United States, which expires during the time period the individual is stationed outside of the state, is valid until 90 days after the individual has been discharged or has left the service, unless:
(i) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or
(ii) the licensee updates the information or photograph on the license certificate.
(4)
(a) The applicant for a renewal of a CDL shall complete the application form required by Section 53-3-410 and provide updated information and required certification.
(b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal of a limited-term CDL shall present documentary evidence that the status by which the

individual originally qualified for the limited-term CDL has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(5) The division shall distinguish a limited-term CDL by clearly indicating on the document:
  (a) that it is temporary; and
  (b) its expiration date.
(6)
  (a) The division may not issue a hazardous materials endorsement on a CDL unless the applicant meets the security threat assessment standards of the federal Transportation Security Administration.
  (b) The division shall revoke the hazardous materials endorsement on a CDL upon receiving notice from the federal Transportation Security Administration that the individual holding a hazardous materials endorsement does not meet Transportation Security Administration security threat assessment standards.
  (c) To obtain an original hazardous materials endorsement or retain a hazardous materials endorsement upon CDL renewal or transfer, the applicant must take and pass the knowledge test for hazardous materials endorsement in addition to any other testing required by the division.
(7) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way as a CDL issued under this chapter.

Amended by Chapter 382, 2019 General Session

**53-3-414 CDL disqualification or suspension -- Grounds and duration -- Procedure.**

(1)
  (a) An individual who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle for a period of not less than one year effective seven days from the date of notice to the driver if convicted of a first offense of:
    (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a controlled substance, or more than one of these;
    (ii) driving a commercial motor vehicle while the concentration of alcohol in the individual's blood, breath, or urine is .04 grams or more;
    (iii) leaving the scene of an accident involving a motor vehicle the individual was driving;
    (iv) failing to provide reasonable assistance or identification when involved in an accident resulting in:
      (A) personal injury in accordance with Section 41-6a-401.3; or
      (B) death in accordance with Section 41-6a-401.5;
    (v) using a motor vehicle in the commission of a felony;
    (vi) refusal to submit to a test to determine the concentration of alcohol in the individual's blood, breath, or urine;
    (vii) driving a commercial motor vehicle while the individual's commercial driver license is disqualified in accordance with the provisions of this section for violating an offense described in this section; or
    (viii) operating a commercial motor vehicle in a negligent manner causing the death of another including the offenses of manslaughter under Section 76-5-205, negligent homicide under Section 76-5-206, or automobile homicide under Section 76-5-207.

(b) The division shall subtract from any disqualification period under Subsection (1)(a)(i) the number of days for which a license was previously disqualified under Subsection (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which the record of conviction is based.

(2) If any of the violations under Subsection (1) occur while the driver is transporting a hazardous material required to be placarded, the driver is disqualified for not less than three years.

(3)

(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if convicted of or administrative action is taken for two or more of any of the offenses under Subsection (1) or (14) arising from two or more separate incidents.

(b) An individual who is convicted of or administrative action is taken for an offense under Subsection (5):

(i) is disqualified for life from driving a commercial motor vehicle; and

(ii) may not be reinstated under Subsection (4).

(c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

(4)

(a) Any driver disqualified for life from driving a commercial motor vehicle under this section may apply to the division for reinstatement of the driver's CDL if the driver:

(i) has both voluntarily enrolled in and successfully completed an appropriate rehabilitation program that:

(A) meets the standards of the division; and

(B) complies with 49 C.F.R. Sec. 383.51;

(ii) has served a minimum disqualification period of 10 years; and

(iii) has fully met the standards for reinstatement of commercial motor vehicle driving privileges established by rule of the division.

(b) If a reinstated driver is subsequently convicted of another disqualifying offense under this section, the driver is permanently disqualified for life and is ineligible to again apply for a reduction of the lifetime disqualification.

(5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the commission of any felony involving:

(a) the manufacturing, distributing, or dispensing of a controlled substance; or

(b) an act or practice of severe forms of trafficking in persons as defined and described in 22 U.S.C. Sec. 7102(11).

(6)

(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than:

(i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and

(ii) 120 days if the driver is convicted of three or more serious traffic violations.

(b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic violations:

(i) occur within three years of each other;

(ii) arise from separate incidents; and

(iii) involve the use or operation of a commercial motor vehicle.

(c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle and the division receives notice of a subsequent conviction for a serious traffic violation that results in an additional disqualification period

under this Subsection (6), the subsequent disqualification period is effective beginning on the ending date of the current serious traffic violation disqualification period.

(7)

(a) A driver of a commercial motor vehicle who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

(i) 180 days if the driver is convicted of a first violation;

(ii) two years if, during any 10 year period, the driver is convicted of two violations of out-of-service orders in separate incidents;

(iii) three years but not more than five years if, during any 10 year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents;

(iv) 180 days but not more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver; or

(v) three years but not more than five years if, during any 10 year period, the driver is convicted of two or more violations, in separate incidents, of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver.

(b) A driver of a commercial motor vehicle who is convicted of a first violation of an out-of-service order is subject to a civil penalty of not less than $2,500.

(c) A driver of a commercial motor vehicle who is convicted of a second or subsequent violation of an out-of-service order is subject to a civil penalty of not less than $5,000.

(8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than 60 days if the division determines, in its check of the driver's driver license status, application, and record prior to issuing a CDL or at any time after the CDL is issued, that the driver has falsified information required to apply for a CDL in this state.

(9) A driver of a commercial motor vehicle who is convicted of violating a railroad-highway grade crossing provision under Section 41-6a-1205, while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

(a) 60 days if the driver is convicted of a first violation;

(b) 120 days if, during any three-year period, the driver is convicted of a second violation in separate incidents; or

(c) one year if, during any three-year period, the driver is convicted of three or more violations in separate incidents.

(10)

(a) The division shall update its records and notify the CDLIS within 10 days of suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

(b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the division shall notify the licensing authority of the issuing state or other jurisdiction and the CDLIS within 10 days after the action is taken.

(c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this state, the division shall notify the CDLIS within 10 days after the action is taken.

(11)

(a) The division may immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver's conviction when the division has reason to believe that the:

(i) CDL was issued by the division through error or fraud;

(ii) applicant provided incorrect or incomplete information to the division;

(iii) applicant cheated on any part of a CDL examination;
(iv) driver no longer meets the fitness standards required to obtain a CDL; or
(v) driver poses an imminent hazard.
(b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section 53-3-221.
(c) If a hearing is held under Section 53-3-221, the division shall then rescind the suspension order or cancel the CDL.
(12)
(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for not less than:
(i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and
(ii) 120 days if the driver is convicted of three or more serious traffic violations.
(b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic violations:
(i) occur within three years of each other;
(ii) arise from separate incidents; and
(iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving privilege from at least one of the violations.
(c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle and the division receives notice of a subsequent conviction for a serious traffic violation that results in an additional disqualification period under this Subsection (12), the subsequent disqualification period is effective beginning on the ending date of the current serious traffic violation disqualification period.
(13)
(a) Upon receiving a notice that an individual has entered into a plea of guilty or no contest to a violation of a disqualifying offense described in this section which plea is held in abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend, cancel, or revoke the individual's CDL for the period required under this section for a conviction of that disqualifying offense, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking the action under Subsection (13)(a).
(c) A plea which is held in abeyance may not be removed from an individual's driving record for 10 years from the date of the plea in abeyance agreement, even if the charge is:
(i) reduced or dismissed in accordance with the plea in abeyance agreement; or
(ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.
(14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section 41-6a-502 when administrative action is taken against the operator's driving privilege pursuant to Section 53-3-223 for a period of:
(a) one year; or
(b) three years if the violation occurred while transporting hazardous materials.
(15) The division may concurrently impose any disqualification periods that arise under this section while a driver is disqualified by the Secretary of the United States Department of Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.

Amended by Chapter 296, 2025 General Session

**53-3-415 Limitations on employment of commercial motor vehicle drivers.**

(1) An employer shall require each applicant for employment as a commercial motor vehicle driver to provide the information required in Section 53-3-416 regarding the applicant's employment history.

(2) An employer may not knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period when the driver:

(a) has a CDL that is suspended, revoked, or canceled by any state;

(b) has lost the privilege to drive a commercial motor vehicle in a state;

(c) has been disqualified from driving a commercial motor vehicle;

(d) has more than one license;

(e) is subject to an out-of-service order; or

(f) is operating a commercial motor vehicle or employed by a motor carrier operation that is subject to an out-of-service order.

(3) An employer may not knowingly allow, permit, require, or authorize a person to violate a federal, state, or local law pertaining to railroad-highway grade crossings.

(4)

(a) An employer who violates Subsection (2)(a), (b), or (c) during the period the driver has been disqualified under Subsection 53-3-414(9) is subject to a civil penalty of not more than $10,000.

(b) An employer who is convicted of violating Subsection (2)(e) or (f) is subject to a civil penalty of not less than $2,750 nor more than $25,000.

(c) An employer who is convicted of violating Subsection (3) is subject to a civil penalty of $10,000.

Amended by Chapter 196, 2010 General Session

**53-3-416 Driving record and other information to be provided to employer.**

(1) Each person who drives a commercial motor vehicle who has a CDL issued by this state and who is convicted of violating, in any type of motor vehicle, a state or local law relating to motor vehicle traffic, other than a parking violation, in this or any other state or jurisdiction, shall notify both the division and his current employer of the conviction within 30 days of the date of conviction.

(2) A driver shall notify his current employer before the end of the business day following the day he receives notice that:

(a) his CDL is suspended, revoked, or canceled by any state;

(b) he loses the privilege to drive a commercial motor vehicle in any state or other jurisdiction for any period; or

(c) he is disqualified from driving a commercial motor vehicle for any period.

(3) A person who applies to be a commercial motor vehicle driver shall at the time of application provide to the employer the following information for the 10 years prior to the date of application:

(a) a list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle as any part of his employment;

(b) the dates between which the applicant drove for each employer listed under Subsection (3)(a); and

(c) the reason the applicant's employment with each employer listed was terminated.

(4)

(a) An applicant shall certify that all information provided under this section is true and complete to the best of his knowledge.
(b) An employer receiving information under this section may require that an applicant provide additional information.

Amended by Chapter 324, 2010 General Session

**53-3-417 Measurable alcohol amount consumed -- Penalty -- Refusal to take test for alcohol.**

(1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle while there is any measurable or detectable alcohol in his body.
(2) The division, a port-of-entry agent, or a peace officer shall place a person out-of-service for 24 consecutive hours who:
(a) violates Subsection (1); or
(b) refuses a request to submit to a test to determine the alcohol concentration of his blood, breath, or urine.

Amended by Chapter 282, 1998 General Session

**53-3-418 Prohibited alcohol level for drivers -- Procedures, including hearing.**

(1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle in this state if the person:
(a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .04 grams or greater at the time of the test after the alleged driving of the commercial motor vehicle;
(b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to degree that renders the person incapable of safely driving a commercial motor vehicle; or
(c) has a blood or breath alcohol concentration of .04 grams or greater at the time of driving the commercial motor vehicle.
(2) A person who holds or is required to hold a CDL and who drives a commercial motor vehicle in this state is considered to have given the person's consent to a test or tests of the person's blood, breath, or urine to determine the concentration of alcohol or the presence of other drugs in the person's physical system.
(3) If a peace officer or port-of-entry agent has reasonable cause to believe that a person may be violating this section, the peace officer or port-of-entry agent may request the person to submit to a chemical test to be administered in compliance with Section 41-6a-515.
(4) When a peace officer or port-of-entry agent requests a person to submit to a test under this section, the peace officer or port-of-entry agent shall advise the person that test results indicating a violation of Subsection (1) or refusal to submit to any test requested will result in the person's disqualification under Section 53-3-414 from driving a commercial motor vehicle.
(5) If test results under this section indicate a violation of Subsection (1) or the person refuses to submit to any test requested under this section, a peace officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the arrest, give the person notice of the division's intention to disqualify the person's privilege to drive a commercial motor vehicle.
(6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace officer or port-of-entry agent shall:
(a) provide the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division; and
(b) issue a 24-hour out-of-service order.

(7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar days after the day on which notice is provided, send to the division a copy of the notice, and a report signed by the peace officer or port-of-entry agent that indicates the results of any chemical test administered or that the person refused a test.

(8)

(a) A person disqualified under this section has the right to a hearing regarding the disqualification.

(b) The request for the hearing shall be submitted to the division in a manner specified by the division and shall be made within 10 calendar days of the date the notice was issued. If requested, the hearing shall be conducted within 29 days after the date of arrest.

(9)

(a)

(i) Except as provided in Subsection (9)(a)(ii), a hearing held under this section shall be held before the division and in:

(A) the county where the notice was issued; or

(B) a county that is adjacent to the county where the notice was issued.

(ii) The division may hold a hearing in some other county if the division and the person both agree.

(b) The hearing shall be documented and shall determine:

(i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the person had been driving a motor vehicle in violation of this section;

(ii) whether the person refused to submit to any requested test; and

(iii) any test results obtained.

(c) In connection with a hearing the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and documents.

(d) One or more members of the division may conduct the hearing.

(e) A decision made after a hearing before any number of members of the division is as valid as if the hearing were held before the full membership of the division.

(f) After a hearing under this section the division shall indicate by order if the person's CDL is disqualified.

(g) If the person for whom the hearing is held fails to appear before the division as required in the notice, the division shall indicate by order if the person's CDL is disqualified.

(10)

(a) If the division disqualifies a person under this section following an administrative hearing, the person may petition for a hearing under Section 53-3-224.

(b) The petition shall be filed within 30 days after the division issues the disqualification.

(11)

(a) A person who violates this section shall be punished in accordance with Section 53-3-414.

(b)

(i) In accordance with Section 53-3-414, the first disqualification under this section shall be for one year, and a second disqualification shall be for life.

(ii) A disqualification under Section 53-3-414 begins on the 45th day after the date of arrest.

(12)

(a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the driving privilege is reinstated.

(b) The fees under Sections 53-3-105 and 53-3-205 shall be canceled if an unappealed hearing at the division or court level determines the disqualification was not proper.
(13) Notwithstanding the provisions of this section, a blood test taken under this section is subject to Section 77-23-213.

Amended by Chapter 77, 2019 General Session

**53-3-419 Nonresident driver violations reported to resident state.**
(1) When the division receives a report of the conviction or plea in abeyance of a nonresident holder of a CDL for a violation of a state law or local ordinance relating to traffic control, the division shall notify the driver licensing authority in the licensing state within five days of receipt of the report.
(2) This section does not apply to parking violations.

Amended by Chapter 190, 2011 General Session

**53-3-420 Driver's driving record available for certain purposes.**
The division shall provide the CDL MVR of any holder of a CDIP or CDL within 10 days of a request to:
(1) another state;
(2) a motor carrier, prospective motor carrier, or authorized agent of a motor carrier or prospective motor carrier after notification to the driver and payment of a fee under Section 53-3-105;
(3) the subject of the record upon request and payment of a fee under Section 53-3-105; and
(4) the Secretary of the United States Department of Transportation.

Amended by Chapter 52, 2015 General Session

## Part 5
## Commercial Driver Training Schools Act

**53-3-501 Short title.**
This part is known as the "Commercial Driver Training Schools Act."

Enacted by Chapter 234, 1993 General Session

**53-3-502 Definitions.**
As used in this part:
(1)
(a) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to:
(i) drive motor vehicles, including motorcycles; and
(ii) prepare an applicant for an examination given by the state for a license or learner permit.
(b) A commercial driver training school may charge a consideration or tuition for the services described under Subsection (1)(a).
(2)

(a) "Commercial testing only school" means a business enterprise conducted by an individual, association, partnership, or corporation that:
(i) is designated by the division as a commercial testing only school;
(ii) employs instructors who are certified by the division; and
(iii) engages only in testing students for the purpose of obtaining a driver license.
(b) A commercial testing only school may conduct behind-the-wheel or observation instruction if approved by the division.
(c) A commercial testing only school may not engage in education or training of persons, either practically or theoretically, or both to drive motor vehicles, except when:
(i) counseling the driver following a test in reference to errors made during the administration of the test; or
(ii) conducting behind-the-wheel or observation instruction if approved by the division.
(d) A commercial testing only school may not test an individual who has completed any behind-the-wheel or observation instruction through the school with which the tester is employed.
(3) "Instructor" means a person, whether acting as an operator of a commercial driver training school or for a school for compensation, who:
(a) teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to drive motor vehicles, including motorcycles;
(b) prepares persons to take an examination for a license or learner permit; or
(c) supervises the work of any other instructor.
(4) "Observation time" means a period of time during which a driver education student observes another student, instructor, or road user.
(5) "School operator" means a person who:
(a) is certified as an instructor;
(b) has met the requirements for school operator status as established by the division;
(c) is authorized or certified to operate or manage a driver training school; and
(d) may supervise the work of another instructor.

Amended by Chapter 247, 2021 General Session

**53-3-503 Exemption for college, university, and high school programs.**

This part does not apply to any person giving driver training lessons to schools or classes conducted by colleges, universities, and high schools for regularly enrolled full-time students as a part of the normal program for the institutions.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-504 Licenses required -- Inspections.**

(1) A commercial driver training school or a commercial testing only school may be established only if the school applies for and obtains a license from the division.
(2) A person may act as an instructor or school operator only if the person applies for and obtains a license from the division.
(3) The division shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.
(4) The division shall administer and enforce this part.

Amended by Chapter 266, 2006 General Session

**53-3-505 School license -- Contents of rules.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules regarding the requirements for:
  (a) a school license, including requirements concerning:
    (i) locations;
    (ii) equipment;
    (iii) courses of instruction;
    (iv) curriculum on air quality, based on data and information provided by the Division of Air Quality, including:
      (A) instruction on ways drivers can improve air quality; and
      (B) the harmful effects of vehicle emissions;
    (v) instructors;
    (vi) previous records of the school and instructors;
    (vii) financial statements;
    (viii) schedule of fees and charges;
    (ix) character and reputation of the operators and instructors;
    (x) insurance as the commissioner determines necessary to protect the interests of the public; and
    (xi) other provisions the commissioner may prescribe for the protection of the public; and
  (b) an instructor's license, including requirements concerning:
    (i) moral character;
    (ii) physical condition;
    (iii) knowledge of the courses of instruction;
    (iv) motor vehicle laws and safety principles and practices;
    (v) previous personnel and employment records; and
    (vi) other provisions the commissioner may prescribe for the protection of the public;
  (c) applications for licenses; and
  (d) minimum standards for:
    (i) driving simulation devices that are fully interactive under Subsection 53-3-505.5(2)(b); and
    (ii) driving simulation devices that are not fully interactive under Subsection 53-3-505.5(2)(c).

(2)
  (a) Rules made by the commissioner may not require observation time to observe the instructor, another student driver, or another road user.
  (b) The prohibition on rulemaking described in Subsection (2)(a) does not prohibit a commercial driver education school or other driver education program from including observation time as part of a driver education curriculum.

(3) Rules made by the commissioner shall require that a commercial driver training school offering motorcycle rider education meet or exceed the standards established by the Motorcycle Safety Foundation.

(4) Rules made by the commissioner shall require that an instructor of motorcycle rider education meet or exceed the standards for certification established by the Motorcycle Safety Foundation.

(5) The commissioner may call upon the state superintendent of public instruction for assistance in formulating appropriate rules.

Amended by Chapter 247, 2021 General Session

**53-3-505.5 Behind-the-wheel training requirements.**

(1) Except as provided under Subsection (2), a driver education course under this part or Title 53G, Chapter 10, Part 5, Driver Education Classes, that is used to satisfy the driver training requirement under Section 53-3-204 shall require each student to complete at least six hours of behind-the-wheel driving a dual-control motor vehicle with a certified instructor seated in the front seat next to the student driver.
(2) Up to three hours of the behind-the-wheel driving may be substituted as follows:
  (a) two hours of range driving on an approved driving range under Section 53G-10-502 equals one hour of the behind-the-wheel driving required under Subsection (1);
  (b) two hours of driving simulation practice on a driving simulation device that is fully interactive as set forth in rules made under Section 53-3-505, equals one hour of the behind-the-wheel driving required under Subsection (1); and
  (c) four hours of driving simulation practice on a driving simulation device that is not fully interactive as set forth in rules made under Section 53-3-505, equals one hour of the behind-the-wheel driving required under Subsection (1), with a maximum of one hour of the behind-the-wheel driving required under Subsection (1) that may be substituted under this Subsection (2)(c).
(3) The behind-the-wheel driving required under Subsection (1) shall include, if feasible, driving on interstate and other multilane highways.

Amended by Chapter 415, 2018 General Session

**53-3-506 License expiration and renewal -- Fee required -- Disposition of revenue.**
(1)
  (a) All commercial driver training school licenses, commercial testing only school licenses, school operator licenses, and instructor licenses:
    (i) expire one year from the date of issuance; and
    (ii) may be renewed upon application to the commissioner as prescribed by rule.
  (b) Each application for an original or renewal school license, school operator license, or instructor license shall be accompanied by a fee determined by the department under Section 63J-1-504.
  (c) A license fee may not be refunded if the license is rejected, suspended, or revoked.
(2) The license fees collected under this part shall be:
  (a) placed in a fund designated as the "Commercial Driver Training Law Fund"; and
  (b) used under the supervision and direction of the director of the Division of Finance for the administration of this part.

Amended by Chapter 183, 2009 General Session

**53-3-507 Licenses -- Cancellation, revocation, or refusal to issue or renew -- Ineligibility for license.**
(1) The department may cancel, revoke, or refuse to issue or renew a commercial driver training school, commercial testing only school, school operator, or instructor license if it finds that the licensee or applicant has not complied with, or has violated this part or any rule made by the division.
(2) A licensee:
  (a) shall return a canceled or revoked license to the division; and
  (b) is not eligible to apply for a license under this part until six months have elapsed since the date of a cancellation or revocation under this section.

Amended by Chapter 266, 2006 General Session

**53-3-508 Local boards of education may conduct class for adults.**

Local boards of education, with the consent of the division, may conduct classes in driver education for adult members of the district in those areas of the state where no commercial driver training course is available, and may charge a fee not to exceed the cost of the training.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-509 Violations -- Penalties.**

A violation of this part is a class C misdemeanor.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-510 Instructors certified to administer skills tests.**

(1)
  (a) The division shall establish procedures and standards to certify licensed instructors of driver training courses under this part to administer skills tests.
  (b) An instructor may not administer a skills test under this section to a student that took the course from the same school or the same instructor.
(2) The division is the certifying authority.
(3)
  (a) Subject to Subsection (1), an instructor certified under this section may give skills tests designed for driver training courses authorized under this part.
  (b) The division shall establish minimal standards for the test that is at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver License Act.
  (c) A student who fails the skills test given by an instructor certified under this section may apply for a class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the skills test at a division office.
(4) A student who successfully passes the test given by a certified driver training instructor under this section satisfies the driving parts of the test required for a class D operator's license.
(5) The division shall establish procedures to enable licensed commercial driver training schools to administer or process the skills test authorized under this section for a class D operator's license.
(6) The division shall establish the standards and procedures required under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session

## Part 6
## Drivers' License Compact

**53-3-601 Short title.**

This part is known as the "Drivers' License Compact."

Enacted by Chapter 234, 1993 General Session

**53-3-602 Definitions.**

As used in this part:

(1) "Executive head" means the governor.

(2) "Licensing authority" means the department, the division, or both as the text may require.

Enacted by Chapter 234, 1993 General Session

**53-3-603 Ratification.**

The Drivers' License Compact is ratified for the state and is entered into with all other jurisdictions legally joining in the compact.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-604 Text of compact -- Party states to report traffic violations and exchange driving record information in home state of driver.**

DRIVERS' LICENSE COMPACT

ARTICLE I

Findings and Declaration of Policy

(1) The party states find that:

(a) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.

(b) Violation of a law or ordinance relating to the operation of motor vehicles is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property.

(c) A license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(2) It is the policy of each of the party states to:

(a) promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where the operators drive motor vehicles; and

(b) make the reciprocal recognition of licenses to drive and eligibility for licenses more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to renewing a license authorizing or permitting operation of a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this compact:

(1) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) "Home state" means the state that has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(3) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with

having committed any offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Conviction

(1) The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee.

(2) The report shall clearly:

(a) identify the person convicted;

(b) describe the violation specifying the section of the statute, code, or ordinance violated;

(c) identify the court in which action was taken;

(d) indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and

(e) include any special findings made in connection with the conviction.

ARTICLE IV

Effect of Conviction

(1) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if the conduct had occurred in the home state, in the case of convictions for:

(a) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(b) driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;

(c) any felony in the commission of which a motor vehicle is used; and

(d) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(2) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give the same effect to the conduct as provided by laws of the home state.

(3) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in Subsection (1) of this article, the party state shall construe the denominations and descriptions appearing in Subsection (1) as applying to and identifying those offenses or violations of a substantially similar nature and the laws of the party state shall contain provisions as necessary to ensure that full force and effect is given in this article.

ARTICLE V

Applications for New Licenses

(1) Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state.

(2) The licensing authority in the state where application is made shall not issue a license to drive to the applicant if the applicant:

(a) has held a license, but the license has been suspended by reason, in whole or in part, of a violation and if the suspension period has not terminated;

(b) has held a license, but the license has been revoked by reason, in whole or in part, of a violation and if the revocation has not terminated, except that after the expiration of one year from the date the license was revoked, the person may make application for a new license if permitted by law, which the authority may refuse to issue if, after investigation, the licensing

authority determines that it will not be safe to grant to the person the privilege of driving a motor vehicle on the public highways; or

(c) is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders the license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by this compact, nothing in this part affects the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, or invalidates or prevents any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

Compact Administrator and Interchange of Information

(1) (a) The head of the licensing authority of each party state is the administrator of this compact for his state.

(b) The administrators, acting jointly have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(2) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

Entry into Force and Withdrawal

(1) This compact shall enter into force and become effective as to any state when it has enacted the compact into law.

(2) Any party state may withdraw from this compact by enacting a statute repealing the compact, but no withdrawal takes effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

(3) A withdrawal may not affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

(1) This compact shall be liberally construed to effectuate the purposes of the compact.

(2) The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability of the compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance is not affected by the holding.

(3) If this compact is held contrary to the constitution of any party state, the compact remains in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-605 Furnishing information and documents.**

The department shall furnish to the appropriate authorities of other party states any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-606 Expenses of compact administrator.**

The compact administrator provided for in Article VII of the compact is not entitled to any additional compensation on account of his service as administrator, but is entitled to expenses incurred in connection with his duties and responsibilities as administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-607 Court and agency reporting of actions to department.**

Any court or other agency of this state, or a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive, shall report any action suspending, revoking, or limiting a license to drive and the adjudication upon which it is based, to the department within ten days, in a manner specified by the department.

Amended by Chapter 85, 2001 General Session

## Part 7
## Nonresident Violator Compact

**53-3-701 Short title.**

This part is known as the "Nonresident Violator Compact."

Enacted by Chapter 234, 1993 General Session

**53-3-702 Definitions.**

As used in this part:

(1) "Citation" means a summons, ticket, or other official document issued by a peace officer for a traffic violation, containing an order that requires the motorist to respond.
(2) "Collateral" means cash or other security deposited to secure an appearance for trial, following the issuance by a peace officer of a citation for a traffic violation.
(3) "Court" means a court of law or traffic tribunal.
(4) "Driver license" means a license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.
(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.
(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.
(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.
(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.
(10) "Terms of the citation" means those options expressly stated upon the citation.

Amended by Chapter 282, 1998 General Session

**53-3-703 Violations exempted from compact.**

This compact does not apply to:

(1) parking or standing violations;

(2) highway weight limit violations; and

(3) violations of law governing the transportation of hazardous materials.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-704 Authority to enter compact.**

The director of the division shall execute all documents and perform all other acts necessary to enter into and carry out this part.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-705 Procedures for issuing traffic citation.**

The following is the procedure of the issuing jurisdiction:

(1) When issuing a citation for a traffic violation, a peace officer shall issue the citation to a motorist who possesses a driver license issued by a party jurisdiction and shall not, subject to the exceptions noted in Subsection (2), require the motorist to post collateral to secure appearance if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(2) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

(3)

(a) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued.

(b) The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home jurisdiction.

(4) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content contained in the compact manual.

(5) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

(6) The licensing authority of the issuing jurisdiction may not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(7) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-706 Procedure for home jurisdictions upon report of a licensee's failure to comply with out-of-state authority.**

The following is the procedure for the home jurisdiction:

(1)

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction may notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, and suspend the motorist's driver license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority.

(b) Due process safeguards will be accorded.

(2) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the compact manual.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-707 Rights of party jurisdictions not affected by compact.**

Except as expressly required by the compact, nothing contained in this part affects the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-708 Compact administrator.**

The director of the division is the compact administrator for the state.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-709 Amendment of compact.**

(1)

(a) This compact may be amended from time to time.

(b) Amendments shall be presented in resolution form to the chairman of the board of compact administrators and may be initiated by one or more party jurisdictions.

(2) Adoption of an amendment requires endorsement of all party jurisdictions and becomes effective 30 days after the date of the last endorsement.

(3)

(a) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment constitutes endorsement.

(b) A report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the requirements of this part.

(c) The provisions of Subsection (3)(b) do not apply to:

(i) a CDIP or CDL license holder; or

(ii) a violation that occurred in a commercial motor vehicle.

Amended by Chapter 52, 2015 General Session

# Part 8
# Identification Card Act

**53-3-802 Definitions.**

As used in this part:

(1) "Adult" means a person 21 years of age or older.

(2) "Identification card" means a card for identification issued under this part.

(3) "Minor" means a person younger than 21 years of age.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-803 Application for identification card -- Age requirements -- Application on behalf of others.**

(1) A person at least 16 years old or older may apply to the division for an identification card.

(2) A person younger than 16 years old may apply to the division for an identification card with the consent of the applicant's parent or guardian.

(3)

(a) If a person is unable to apply for the card due to his youth or incapacitation, the application may be made on behalf of that person by his parent or guardian.

(b) A parent or guardian applying for an identification card on behalf of a child or incapacitated person shall provide:

(i) identification, as required by the commissioner; and

(ii) the consent of the incapacitated person, as required by the commissioner.

(4) The division may not issue a Utah identification card or an extension of a regular identification card to a person who holds an unexpired Utah license certificate issued under Part 2, Driver Licensing Act unless:

(a) the Utah license certificate is canceled; and

(b) if the Utah license certificate is in the person's possession, the Utah license certificate is surrendered to the division.

Amended by Chapter 191, 2021 General Session

**53-3-804 Application for identification card -- Required information -- Release of anatomical gift information -- Cancellation of identification card.**

(1) To apply for a regular identification card or limited-term identification card, an applicant shall:

(a) be a Utah resident;

(b) have a Utah residence address; and

(c) appear in person at any license examining station.

(2) An applicant shall provide the following information to the division:

(a) true and full legal name and Utah residence address;

(b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other satisfactory evidence of birth, which shall be attached to the application;

(c)

(i) social security number; or

(ii) written proof that the applicant is ineligible to receive a social security number;

(d) place of birth;

(e) height and weight;

(f) color of eyes and hair;
(g) signature;
(h) photograph;
(i) evidence of the applicant's lawful presence in the United States by providing documentary evidence:
(i) that the applicant is:
(A) a United States citizen;
(B) a United States national; or
(C) a legal permanent resident alien; or
(ii) of the applicant's:
(A) unexpired immigrant or nonimmigrant visa status for admission into the United States;
(B) pending or approved application for asylum in the United States;
(C) admission into the United States as a refugee;
(D) pending or approved application for temporary protected status in the United States;
(E) approved deferred action status;
(F) pending application for adjustment of status to legal permanent resident or conditional resident; or
(G) conditional permanent resident alien status;
(j) an indication whether the applicant intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
(k) an indication whether the applicant is required to register as a sex offender, kidnap offender, or child abuse offender in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry; and
(l) an indication whether the applicant is a veteran of the United States Armed Forces, verification that the applicant has received an honorable or general discharge from the United States Armed Forces, and an indication whether the applicant does or does not authorize sharing the information with the state Department of Veterans and Military Affairs.

(3)
(a) The requirements of Section 53-3-234 apply to this section for each individual, age 16 and older, applying for an identification card.
(b) Refusal to consent to the release of information under Section 53-3-234 shall result in the denial of the identification card.

(4) An individual person who knowingly fails to provide the information required under Subsection (2)(k) is guilty of a class A misdemeanor.

(5)
(a) A person may not hold both an unexpired Utah license certificate and an unexpired identification card.
(b) A person who holds a regular or limited term Utah driver license and chooses to relinquish the person's driving privilege may apply for an identification card under this chapter, provided:
(i) the driver:
(A) no longer qualifies for a driver license for failure to meet the requirement in Section 53-3-304; or
(B) makes a personal decision to permanently discontinue driving;
(ii) the driver:
(A) submits an application to the division on a form approved by the division in person, through electronic means, or by mail;
(B) affirms their intention to permanently discontinue driving; and
(C) surrenders to the division the driver license certificate; and

(iii) the division possesses a digital photograph of the driver obtained within the preceding 10 years.

(c)

(i) The division shall waive the fee under Section 53-3-105 for an identification card for an original identification card application under this Subsection (5).

(ii) The fee waiver described in Subsection (5)(c)(i) does not apply to a person whose driving privilege is suspended or revoked.

(6) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse Offender Registry office in the Department of Public Safety, the names and addresses of all applicants who, under Subsection (2)(k), indicate they are required to register as a sex offender, kidnap offender, or child abuse offender in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

Amended by Chapter 291, 2025 General Session

***Superseded 1/1/2026***

**53-3-805 Identification card -- Contents -- Specifications.**

(1) As used in this section:

(a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.

(b) "Health care professional" means the same as that term is defined in Section 53-3-207.

(c) "Invisible condition" means the same as that term is defined in Section 53-3-207.

(d) "Invisible condition identification symbol" means the same as that term is defined in Section 53-3-207.

(2)

(a) The division shall issue an identification card that bears:

(i) the distinguishing number assigned to the individual by the division;

(ii) the name, birth date, and Utah residence address of the individual;

(iii) a brief description of the individual for the purpose of identification;

(iv) a photograph of the individual;

(v) a photograph or other facsimile of the individual's signature;

(vi) an indication whether the individual intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and

(vii) if the individual states that the individual is a veteran of the United States military on the application for an identification card in accordance with Section 53-3-804 and provides verification that the individual received an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

(b) An identification card issued by the division may not bear the individual's social security number or place of birth.

(3)

(a) The card shall be of an impervious material, resistant to wear, damage, and alteration.

(b) Except as provided under Section 53-3-806, the size, form, and color of the card is prescribed by the commissioner.

(4) At the applicant's request, the card may include a statement that the applicant has a special medical problem or allergies to certain drugs, for the purpose of medical treatment.

(5)

(a) The division shall include or affix an invisible condition identification symbol on an individual's identification card if the individual or the individual's authorized guardian, on a form prescribed by the department:
(i) requests the division to include the invisible condition identification symbol;
(ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and
(iii) submits a signed waiver of liability for the release of any medical information to:
(A) the department;
(B) any person who has access to the individual's medical information as recorded on the individual's driving record or the Utah Criminal Justice Information System under this chapter;
(C) any other person who may view or receive notice of the individual's medical information by seeing the individual's identification card or the individual's information in the Utah Criminal Justice Information System;
(D) a local law enforcement agency that receives a copy of the form described in this Subsection (5)(a) and enters the contents of the form into the local law enforcement agency's record management system or computer-aided dispatch system; and
(E) a dispatcher who accesses the information regarding the individual's invisible condition through the use of a local law enforcement agency's record management system or computer-aided dispatch system.
(b) As part of the form described in Subsection (5)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the request and signed waiver, the individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsection (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.
(c) The division may not:
(i) charge a fee to include the invisible condition identification symbol on the individual's identification card; or
(ii) after including the invisible condition identification symbol on the individual's previously issued identification card, require the individual to provide subsequent written verification described in Subsection (5)(a)(ii) to include the invisible condition identification symbol on the individual's extended identification card.
(d) The division shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (5)(a)(ii) holds a current state license.
(e) The inclusion of an invisible condition identification symbol on an individual's identification card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.
(f) For each individual issued an identification card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.
(g) Except as provided in this section, the division may not release the information described in Subsection (5)(f).
(h) Within 30 days after the day on which the division receives an individual's or the individual's authorized guardian's written request, the division shall:
(i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (5)(f); and

(ii) provide the individual's updated record to the Utah Criminal Justice Information System.

(6) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

(7)

(a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in accordance with division rule.

(b)

(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform applicants of anatomical gift options, procedures, and benefits.

(8) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).

(9) The division and the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

(10)

(a) The division may issue a temporary regular identification card to an individual while the individual obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

(b) A temporary regular identification card issued under this Subsection (10) shall be recognized and grant the individual the same privileges as a regular identification card.

(c) A temporary regular identification card issued under this Subsection (10) is invalid:

(i) when the individual's regular identification card has been issued;

(ii) when, for good cause, an applicant's application for a regular identification card has been refused; or

(iii) upon expiration of the temporary regular identification card.

(d) The division shall coordinate with the Department of Corrections in providing an inmate with a temporary regular identification card as described in Section 64-13-10.6.

Amended by Chapter 328, 2023 General Session
Amended by Chapter 414, 2023 General Session
Amended by Chapter 456, 2023 General Session

***Effective 1/1/2026***

**53-3-805 Identification card -- Contents -- Specifications.**

(1) As used in this section:

(a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.

(b) "Health care professional" means the same as that term is defined in Section 53-3-207.

(c) "Invisible condition" means the same as that term is defined in Section 53-3-207.

(d) "Invisible condition identification symbol" means the same as that term is defined in Section 53-3-207.

(2)

(a) The division shall issue an identification card that bears:

(i) the distinguishing number assigned to the individual by the division;

(ii) the name, birth date, and Utah residence address of the individual;

(iii) a brief description of the individual for the purpose of identification;

(iv) a photograph of the individual;

(v) a photograph or other facsimile of the individual's signature;

(vi) an indication whether the individual intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and

(vii) if the individual states that the individual is a veteran of the United States military on the application for an identification card in accordance with Section 53-3-804 and provides verification that the individual received an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

(b) An identification card issued by the division may not bear the individual's social security number or place of birth.

(3)

(a) The card shall be of an impervious material, resistant to wear, damage, and alteration.

(b) Except as provided under Section 53-3-806, the size, form, and color of the card is prescribed by the commissioner.

(4) At the applicant's request, the card may include a statement that the applicant has a special medical problem or allergies to certain drugs, for the purpose of medical treatment.

(5)

(a) The division shall include or affix an invisible condition identification symbol on an individual's identification card if the individual or the individual's authorized guardian, on a form prescribed by the department:

(i) requests the division to include the invisible condition identification symbol;

(ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and

(iii) submits a signed waiver of liability for the release of any medical information to:

(A) the department;

(B) any person who has access to the individual's medical information as recorded on the individual's driving record or the Utah Criminal Justice Information System under this chapter;

(C) any other person who may view or receive notice of the individual's medical information by seeing the individual's identification card or the individual's information in the Utah Criminal Justice Information System;

(D) a local law enforcement agency that receives a copy of the form described in this Subsection (5)(a) and enters the contents of the form into the local law enforcement agency's record management system or computer-aided dispatch system; and

(E) a dispatcher who accesses the information regarding the individual's invisible condition through the use of a local law enforcement agency's record management system or computer-aided dispatch system.

(b) As part of the form described in Subsection (5)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the request and signed waiver, the

individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsection (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.

(c) The division may not:

(i) charge a fee to include the invisible condition identification symbol on the individual's identification card; or

(ii) after including the invisible condition identification symbol on the individual's previously issued identification card, require the individual to provide subsequent written verification described in Subsection (5)(a)(ii) to include the invisible condition identification symbol on the individual's extended identification card.

(d) The division shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (5)(a)(ii) holds a current state license.

(e) The inclusion of an invisible condition identification symbol on an individual's identification card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

(f) For each individual issued an identification card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.

(g) Except as provided in this section, the division may not release the information described in Subsection (5)(f).

(h) Within 30 days after the day on which the division receives an individual's or the individual's authorized guardian's written request, the division shall:

(i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (5)(f); and

(ii) provide the individual's updated record to the Utah Criminal Justice Information System.

(6)

(a) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:

(i) may accept an application from the individual for an identification card that includes an interdicted person identifier; and

(ii) if the individual submits an application and qualifies for an identification card, may provide an identification card with the interdicted person identifier.

(b)

(i) An individual may voluntarily apply for an identification card that includes an interdicted person identifier.

(ii) An individual that voluntarily applies for an identification card with an interdicted person identifier may not apply for another identification card without the interdicted person identifier for at least 30 days after the application for the identification card with the interdicted person identifier.

(c) The division may not provide to an individual an identification card without the interdicted person identifier during the time period the court has designated the person as an interdicted person.

(d) The division may charge an administrative fee as described in Subsection 53-3-105(40) to an individual to process and provide an identification card with an interdicted person identifier.

(e) An individual who is designated as an interdicted person by a court is subject to the identification card fee and other fees necessary to administer the identification card with an interdicted person identifier.

(7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

(8)

(a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in accordance with division rule.

(b)

(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform applicants of anatomical gift options, procedures, and benefits.

(9) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).

(10) The division and the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

(11)

(a) The division may issue a temporary regular identification card to an individual while the individual obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

(b) A temporary regular identification card issued under this Subsection (11) shall be recognized and grant the individual the same privileges as a regular identification card.

(c) A temporary regular identification card issued under this Subsection (11) is invalid:

(i) when the individual's regular identification card has been issued;

(ii) when, for good cause, an applicant's application for a regular identification card has been refused; or

(iii) upon expiration of the temporary regular identification card.

(d) The division shall coordinate with the Department of Corrections in providing an inmate with a temporary regular identification card as described in Section 64-13-10.6.

Amended by Chapter 471, 2025 General Session

**53-3-806 Portrait-style format -- Minor's card distinguishable.**

(1) The division shall use a portrait-style format for all identification cards, similar to the format used for license certificates issued to an individual younger than 21 years old under Section 53-3-207.

(2) The identification card issued to an individual younger than 21 years old shall be distinguished by use of plainly printed information or by the use of a color or other means not used for the identification card issued to an individual 21 years old or older.
(3) The division shall distinguish an identification card issued to an individual younger than 21 years old by plainly printing the date the identification card holder is 21 years old.
(4) The division shall distinguish a limited-term identification card by clearly indicating on the card:
(a) that it is temporary; and
(b) its expiration date.

Amended by Chapter 232, 2019 General Session

**53-3-806.5 Identification card required if offender does not have driver license.**
(1)
(a) An individual who does not hold a current driver license in compliance with Section 53-3-205 and is required to register as a sex offender, kidnap offender, or child abuse offender in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, shall obtain an identification card.
(b) The individual shall maintain a current identification card during the time the individual is required to register as a sex offender, kidnap offender, or child abuse offender and the individual does not hold a valid driver license.
(2) Failure to maintain a current identification card as required under Subsection (1) is a class A misdemeanor for each month of violation of Subsection (1).

Amended by Chapter 291, 2025 General Session

**53-3-807 Expiration -- Address and name change -- Extension.**
(1)
(a) A regular identification card expires on the birth date of the applicant in the fifth year after the issuance of the regular identification card.
(b) A limited-term identification card expires on:
(i) the expiration date of the period of time of the individual's authorized stay in the United States or on the birth date of the applicant in the fifth year after the issuance of the limited-term identification card, whichever is sooner; or
(ii) on the date of issuance in the first year after the year that the limited-term identification card was issued if there is no definite end to the individual's period of authorized stay.
(2)
(a) Except as provided in Subsection (2)(b), if an individual has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the individual shall, within 10 days after the day on which the individual moves, notify the division in a manner specified by the division of the individual's new address.
(b) If an individual who is required to register as a sex offender, kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the individual shall, within 30 days after the day on which the individual moves, apply for an updated identification card in-person at a division office.
(3) If an individual has applied for and received an identification card and subsequently changes the individual's name under Title 42, Chapter 1, Change of Name, the individual:

(a) shall surrender the card to the division; and
(b) may apply for a new card in the individual's new name by:
(i) furnishing proper documentation to the division as provided in Section 53-3-804; and
(ii) paying the fee required under Section 53-3-105.
(4) A person 21 years old or older with a disability, as defined under the Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an identification card for five years if the person with a disability or an agent of the person with a disability:
(a) requests that the division send the application form to obtain the extension or requests an application form in person at the division's offices;
(b) completes the application;
(c) certifies that the extension is for a person 21 years old or older with a disability; and
(d) returns the application to the division together with the identification card fee required under Section 53-3-105.
(5)
(a) The division may extend a valid regular identification card issued after January 1, 2010, for five years at any time within six months before the day on which the identification card expires.
(b) The application for an extension of a regular identification card is accompanied by a fee under Section 53-3-105.
(c) The division shall allow extensions:
(i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105; and
(ii) only if the applicant qualifies under this section.
(6)
(a) A regular identification card may only be extended once under Subsections (4) and (5).
(b) After an extension an application for an identification card must be applied for in person at the division's offices.

Amended by Chapter 291, 2025 General Session

***Superseded 1/1/2026***
**53-3-808 Fee required for identification card.**
(1) The commissioner may charge and collect a fee only as provided by Section 53-3-105 when an application for an identification card is submitted.
(2)
(a) Before accepting an application from an indigent person for an identification card without the payment of a fee, the division shall require that the indigent person sign a statement under penalty of perjury that the person is indigent.
(b) The division may require an indigent person applying for an identification card without the payment of a fee to execute a release form allowing the division to inquire with the Tax Commission whether the person has filed state income tax returns or has state income tax withholding suggesting that the person is not indigent.

Amended by Chapter 45, 2009 General Session

***Effective 1/1/2026***
**53-3-808 Fee required for identification card.**

(1) The commissioner may charge and collect a fee only as provided by Section 53-3-105 when an application for an identification card or an identification card with an interdicted person identifier is submitted.
(2)
(a) Before accepting an application from an indigent person for an identification card without the payment of a fee, the division shall require that the indigent person sign a statement under penalty of perjury that the person is indigent.
(b) The division may require an indigent person applying for an identification card without the payment of a fee to execute a release form allowing the division to inquire with the State Tax Commission whether the person has filed state income tax returns or has state income tax withholding suggesting that the person is not indigent.

Amended by Chapter 471, 2025 General Session

**53-3-809 Revocation of card for providing false information or altering card.**

The commissioner shall revoke and repossess the identification card of any person who has:
(1) furnished false or forged information or evidence in support of any application for any identification card; or
(2) altered any information or photograph on an identification card.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-810 Prohibited uses of identification card -- Penalties.**

(1) It is a class C misdemeanor to:
(a) lend or knowingly permit the use of an identification card issued to the individual, by an individual not entitled to the identification card;
(b) display or to represent as the individual's own identification card an identification card not issued to the individual;
(c) refuse to surrender to the division or a peace officer upon demand any identification card issued by the division;
(d) use a false name or give a false address in any application for an identification card or any renewal or duplicate of the identification card, or to knowingly make a false statement, or to knowingly conceal a material fact in the application;
(e) display a revoked identification card as a valid identification card;
(f) knowingly acquire, use, display, or transfer an item that purports to be an authentic identification card issued by a governmental entity if the item is not an authentic identification card issued by that governmental entity; or
(g) alter any information contained on an authentic identification card so that it no longer represents the information originally displayed.
(2) It is a class A misdemeanor to knowingly:
(a) issue an identification card with false or fraudulent information;
(b) issue an identification card to an individual who is younger than 21 years old if the identification card is not distinguished as required for an individual who is younger than 21 years old under Section 53-3-806; or
(c) acquire, use, display, or transfer a false or altered identification card to procure a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-9-1101.

(3) An individual may not knowingly use, display, or transfer a false or altered identification card to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold or consumed, or obtain employment that may not be obtained by a minor in violation of Section 32B-1-403.
(4) It is a third degree felony if an individual's acquisition, use, display, or transfer of a false or altered identification card:
(a) aids or furthers the individual's efforts to fraudulently obtain goods or services; or
(b) aids or furthers the individual's efforts to commit a violent felony.

Amended by Chapter 173, 2025 General Session

## Part 9
## Motorcycle Rider Education Act

**53-3-901 Title.**
This part is known as the "Motorcycle Rider Education Act."

Amended by Chapter 21, 1999 General Session

**53-3-902 Definitions.**
As used in this part:
(1) "Motorcycle" has the same meaning as provided in Section 41-1a-102.
(2) "Program" means the motorcycle rider education program for training and information disbursement created under Section 53-3-903.
(3) "Rider training course" means a motorcycle rider education curriculum and delivery system approved by the division as meeting national standards designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of a motorcycle.

Amended by Chapter 21, 1999 General Session

**53-3-903 Motorcycle Rider Education Program.**
(1)
(a) The division shall develop standards for and administer the Motorcycle Rider Education Program.
(b) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter.
(2) The program shall include:
(a) a novice rider training course;
(b) a rider training course for experienced riders; and
(c) an instructor training course.
(3) The division may expand the program to include:
(a) enhancing public awareness of motorcycle riders;
(b) increasing the awareness of motorcycle riders of the effects of alcohol and drugs;
(c) motorcycle rider skills improvement;
(d) program and other motorcycle safety promotion; and
(e) improvement of motorcycle licensing efforts.

(4)
(a) Subject to the restriction in Subsection (4)(b), rider training courses shall be open to all residents of the state who:
(i) are at least 15 years 6 months of age; and
(ii) either hold a valid learner permit or driver license for any classification or are eligible for a motorcycle learner permit.
(b) A person who has been issued a learner permit may enroll in and complete a rider training course if the course is conducted on a closed course that:
(i) is not conducted on a public highway;
(ii) is approved by the division; and
(iii) meets or exceeds established national standards for motorcycle rider training courses prescribed by the Motorcycle Safety Foundation.
(c) An adequate number of novice rider training courses shall be provided to meet the reasonably anticipated needs of all persons in the state who are eligible and who desire to participate in the program.
(d) Program delivery may be phased in over a reasonable period of time.
(5)
(a) The division may enter into contracts with either public or private institutions to provide a rider training course approved by the division.
(b) The institution shall issue certificates of completion in the manner and form prescribed by the director to persons who satisfactorily complete the requirements of the course.
(c) An institution conducting a rider training course may charge a reasonable tuition fee to cover the cost of offering the course.
(d)
(i) The division may use program funds to defray its own expenses in administering the program.
(ii) The division may reimburse entities that offer approved courses for actual expenses incurred in offering the courses, up to a limit established by the division based upon available program funds.
(iii) Any reimbursement paid to an entity must be entirely reflected by the entity in reduced course enrollment fees for students.
(6)
(a) Standards for the motorcycle rider training courses, including standards for course curriculum, materials, and student evaluation, and standards for the training and approval of instructors shall meet or exceed established national standards for motorcycle rider training courses prescribed by the Motorcycle Safety Foundation.
(b) Motorcycle rider training courses shall be taught only by instructors approved under Section 53-3-904.
(c) Motorcycle rider training courses for novices shall include at least eight hours of practice riding.
(7) The commissioner shall appoint a full-time program coordinator to oversee and direct the program.

Amended by Chapter 252, 2009 General Session

**53-3-904 Instructor training and approval.**
(1) The program coordinator shall approve instructors for the motorcycle rider training courses.

(2) A person may not be approved as an instructor unless the person holds a current instructor certification issued by the Motorcycle Safety Foundation or another nationally recognized motorcycle safety instructor certifying body.
(3)
(a) The program shall include instructor training courses as necessary.
(b) Prior to completion of an instructor training course, the participant shall demonstrate:
(i) knowledge of the course material;
(ii) knowledge of proper motorcycle operation;
(iii) proficiency in riding motorcycles; and
(iv) the necessary aptitude for instructing students.
(4) An applicant for an instructor training course shall:
(a) have a high school diploma or its equivalent;
(b) be at least 18 years of age;
(c) have a valid endorsement to his driver's license for motorcycles; and
(d) have at least two years of recent motorcycle riding experience.
(5) The division shall refuse to certify or revoke certification of an instructor if the applicant:
(a) has had his driver's license suspended or revoked during the preceding two years or within the preceding five years if the suspension or revocation was for an alcohol or drug-related offense;
(b) fails to successfully complete an instructor course or required course updates; or
(c) no longer meets the requirements of this section.

Enacted by Chapter 216, 1993 General Session

**53-3-905 Dedication of fees.**
(1) The following shall be deposited as dedicated credits in the Transportation Fund to be used by the division for the program:
(a) $5 of the annual registration fee imposed for each registered motorcycle under Subsection 41-1a-1206(1)(a);
(b) $4 of the six-month registration fee imposed for each registered motorcycle under Subsection 41-1a-1206(2)(a); and
(c) $2.50 of the fee imposed under Section 53-3-105 for an original, renewal, or extension of a motorcycle endorsement.
(2) Appropriations to the program are nonlapsing.
(3) Appropriations may not be used for assistance to, advocacy of, or lobbying for any legislation unless the legislation would enhance or affect the financial status of the program or the program's continuation.

Amended by Chapter 397, 2012 General Session

**53-3-907 Licensing skills test exemption.**
(1) The division may exempt an applicant for a motorcycle operator license or endorsement from the licensing skills test if he presents proof of successful completion of a rider training course approved by the division that includes a similar test of skills.
(2) The exemption provided in Subsection (1) applies only if the applicant applies for a motorcycle operator license or endorsement within six months of completion of an approved rider training course.

Enacted by Chapter 216, 1993 General Session

**53-3-909 Program exemption.**

An entity offering a motorcycle rider training course approved by the division and an instructor providing instruction as part of an approved motorcycle rider training course are exempt from the requirements of Title 53, Chapter 3, Part 5, Commercial Driver Training Schools Act.

Amended by Chapter 12, 1994 General Session

## Part 10
## Ignition Interlock System Program Act

**53-3-1001 Title.**

This part is known as the "Ignition Interlock System Program Act."

Enacted by Chapter 421, 2011 General Session

**53-3-1002 Definitions.**

As used in this part:

(1) "Ignition interlock system" has the same meaning as defined in Section 41-6a-518.2.

(2) "Ignition interlock system provider" means an individual who:

(a) is acting on behalf of a business enterprise conducted by a person, association, partnership, or corporation for the purpose of installation and maintenance of an ignition interlock system;

(b) is certified as an installer;

(c) has met the requirements for ignition interlock system provider status as established by the division;

(d) is authorized or certified to operate or manage an ignition interlock system business;

(e) may supervise the work of another installer; and

(f) charges a fee for the services described under this Subsection (2).

(3) "Installer" means a person, whether acting as an ignition interlock system provider or for an ignition interlock system provider for compensation, who is certified by the division to install ignition interlock systems.

(4) "Interlock restricted driver" has the same meaning as defined in Section 41-6a-518.2.

(5) "Provider" means an ignition interlock system provider.

Enacted by Chapter 421, 2011 General Session

**53-3-1003 Licenses required -- Inspections.**

(1) An ignition interlock system provider may be certified to facilitate installation of ignition interlock systems only if the provider applies for and obtains a license from the division.

(2) A person may act as an ignition interlock system installer only if the person applies for and obtains a license from the division.

(3) The division shall inspect the provider facilities and equipment of applicants and licensees and examine applicants for provider licenses and installer licenses.

(4) The division shall administer and enforce this part.

Enacted by Chapter 421, 2011 General Session

**53-3-1004 Ignition interlock system provider license -- Contents of rules.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules regarding the requirements for:

(1) an ignition interlock system provider license, including requirements concerning:
  (a) locations;
  (b) equipment;
  (c) installers;
  (d) previous records of the provider and installers;
  (e) financial statements;
  (f) schedule of fees and charges;
  (g) character and reputation of the providers and installers;
  (h) insurance as the commissioner determines necessary to protect the interests of the public; and
  (i) other provisions the commissioner may prescribe for the protection of the public;
(2) an installer's license, including requirements concerning:
  (a) moral character;
  (b) knowledge of the procedures for installation of an ignition interlock system; and
  (c) other provisions the commissioner may prescribe for the protection of the public; and
(3) applications for licenses.

Enacted by Chapter 421, 2011 General Session

**53-3-1005 License expiration and renewal -- Fee required -- Disposition of revenue.**

(1)
  (a) All ignition interlock system provider licenses and installer licenses:
    (i) expire one year from the date of issuance; and
    (ii) may be renewed upon application to the commissioner as prescribed by rule.
  (b) Each application for an original or renewal provider license or installer license shall be accompanied by a fee determined by the department under Section 63J-1-504.
  (c) A license fee may not be refunded if the license is rejected, suspended, or revoked.
(2) The license fees collected under this part shall be placed in the Department of Public Safety Restricted Account.

Enacted by Chapter 421, 2011 General Session

**53-3-1006 Licenses -- Cancellation, revocation, or refusal to issue or renew -- Ineligibility for license.**

(1) The department may cancel, revoke, or refuse to issue or renew an ignition interlock system provider or installer license if it finds that the licensee or applicant has not complied with or has violated this part or any rule made by the division.
(2) A licensee:
  (a) shall return a canceled or revoked license to the division; and
  (b) is not eligible to apply for a license under this part until six months have elapsed since the date of a cancellation or revocation under this section.

Enacted by Chapter 421, 2011 General Session

**53-3-1007 Ignition interlock system provider -- Notification to the division upon installation or removal of an ignition interlock system -- Monitoring and reporting requirements -- Penalties.**

(1) An ignition interlock system provider who installs an ignition interlock system on an individual's vehicle shall:
  (a) provide proof of installation to the individual; and
  (b) electronically notify the division of installation of an ignition interlock system on the individual's vehicle.
(2) An ignition interlock system provider shall electronically notify the division if an individual has:
  (a) removed an ignition interlock system from the individual's vehicle;
  (b) attempted to start the motor vehicle with a measurable breath alcohol concentration, and the attempt to start the motor vehicle was prevented by the ignition interlock system, including the date and time of each attempt; or
  (c) failed to report to the ignition interlock provider for the purpose of monitoring the device every 60 days, or more frequently if ordered by the court as described in Subsection 41-6a-518(5)(a).
(3) If an individual is an interlock restricted driver and the individual removes an ignition interlock system as described in Subsection (2)(a), the division shall:
  (a) suspend the individual's driving privilege for the duration of the restriction period as defined in Section 41-6a-518.2; and
  (b) notify the individual of the suspension period in place and the requirements for reinstatement of the driving privilege with respect to the ignition interlock restriction suspension.
(4) The division shall clear a suspension described in Subsection (3) upon:
  (a) receipt of payment of the fee or fees required under Section 53-3-105; and
  (b)
    (i) receipt of electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating;
    (ii) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual:
      (A) electronic verification that the individual does not have a vehicle registered in the individual's name in the state; and
      (B) receipt of employer verification, as defined in Subsection 41-6a-518(1); or
    (iii) if the individual is not a resident of Utah, electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence.
(5) If Subsection (4)(b)(ii) applies, the division shall every six months:
  (a) electronically verify the individual does not have a vehicle registered in the individual's name in the state; and
  (b) require the individual to provide updated documentation described in Subsection (4)(b)(ii).
(6) If the individual described in Subsection (5) does not provide the required documentation described in Subsection (4)(b)(ii), the division shall suspend the individual's driving privilege until:
  (a) the division receives payment of the fee or fees required under Section 53-3-105; and
  (b)
    (i) the division:

(A) receives electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating; or

(B) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual, receives electronic verification that the individual does not have a vehicle registered in the individual's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1); or

(ii) if the individual is not a resident of Utah, electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence.

(7) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division shall suspend the license of any individual without receiving a record of the individual's conviction of crime seven days after receiving electronic notification from an ignition interlock system provider that an individual has removed an ignition interlock system from the individual's vehicle or a vehicle owned by another individual and operated by the individual if the individual is an interlock restricted driver until:

(a) the division receives payment of the fee or fees specified in Section 53-3-105; and

(b)

(i)

(A) the division receives electronic notification from an ignition interlock system provider showing new proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating; or

(B) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual, the division receives electronic verification that the individual does not have a vehicle registered in the individual's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1);

(ii) if the individual is not a resident of Utah, the division receives electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence; or

(iii) the individual's interlock restricted period has expired.

(8)

(a) Upon receipt of a notice described in Subsection (2)(b) or (2)(c), the division shall extend the individual's ignition interlock restriction period by 60 days.

(b) The division shall notify the individual of the modified ignition interlock restriction period described in Subsection (8)(a).

(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:

(a) procedures for certification and regulation of ignition interlock system providers;

(b) acceptable documentation for proof of the installation of an ignition interlock device;

(c) procedures for an ignition interlock system provider to electronically notify the division;

(d) procedures for an ignition interlock system provider to provide monitoring of an ignition interlock system and reporting the results of monitoring;

(e) procedures for the removal of an ignition interlock restriction if the individual is unable to provide a deep lung breath sample as a result of a medical condition and is unable to properly use an ignition interlock system as described in Subsection 41-6a-518.2(9); and

(f) policies and procedures for the administration of the ignition interlock system program created under this section.

Amended by Chapter 197, 2024 General Session

**53-3-1008 Violations -- Penalties.**

A violation of the requirement under this part to be licensed as an ignition interlock system provider or installer is a class C misdemeanor.

Enacted by Chapter 421, 2011 General Session

# Chapter 5
# Regulation of Firearms

# Chapter 5a
# Firearm Laws

## Part 1
## General Firearm Laws

**53-5a-101 Title.**

This chapter is known as "Firearm Laws."

Renumbered and Amended by Chapter 382, 2008 General Session

**53-5a-101.5 Definitions.**

As used in this part:

(1) "Ammunition" means the same as that term is defined in Section 53-5d-102.

(2)

(a) "Antique firearm" means:

(i) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898;

(ii) a firearm that is a replica of a firearm described in this Subsection (2)(a), if the replica:

(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(B) uses rimfire or centerfire fixed ammunition which is no longer manufactured in the United States and is not readily available in ordinary channels of commercial trade; or

(iii) a firearm that:

(A) is a muzzle loading rifle, shotgun, or pistol; and

(B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.

(b) "Antique firearm" does not include:

(i) a weapon that incorporates a firearm frame or receiver;

(ii) a firearm that is converted into a muzzle loading weapon; or

(iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:

(A) barrel;

(B) bolt;
(C) breechblock; or
(D) any combination of Subsection (2)(b)(iii)(A), (B), or (C).
(3) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the department.
(4)
(a) "Concealed firearm" means a firearm that is:
(i) covered, hidden, or secreted in a manner that the public would not be aware of the firearm's presence; and
(ii) readily accessible for immediate use.
(b) "Concealed firearm" does not include a firearm that is unloaded and securely encased.
(5) "Court commissioner" means an individual appointed under Section 78A-5-107.
(6) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(7) "Directive" means the same as that term is defined in Section 78B-6-2301.
(8) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
(9) "Firearm accessory" means the same as that term is defined in Section 53-5a-401.
(10) "Handgun" means a pistol, revolver, or other firearm of any description, from which a shot, bullet, or other missile can be discharged, the length of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.
(11) "Judge" means the same as that term is defined in Section 53-5a-311.
(12) "Law enforcement official" means the same as that term is defined in Section 53-5a-311.
(13) "Local or state governmental entity" means the same as that term is defined in Section 78B-6-2301.
(14) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on the person or within such close proximity and in such a manner that the weapon can be retrieved and used as readily as if carried on the person.
(15) "Securely encased firearm" means the same as that term is defined in Section 76-11-201.
(16) "Short barreled rifle" means the same as that term is defined in Section 53-5a-601.
(17) "Short barreled shotgun" means the same as that term is defined in Section 53-5a-601.
(18) "Shotgun" means the same as that term is defined in Section 53-5a-601.
(19) "Slug" means the same as that term is defined in Section 53-5a-601.

Enacted by Chapter 208, 2025 General Session

**53-5a-102 Uniform firearm laws.**
(1) The individual right to keep and bear arms being a constitutionally protected right under Utah Constitution Article I, Section 6, and the Second Amendment to the United States Constitution, the Legislature finds the need to provide uniform civil and criminal firearm laws throughout the state and declares that the Legislature occupies the whole field of state regulation of firearms.
(2) Except as specifically provided by state law, a local or state governmental entity may not:
(a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm, ammunition, or a firearm accessory at the individual's place of residence, property, business, or in any vehicle in which the individual is lawfully present; or
(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm, ammunition, or a firearm accessory.

(3) This part and Title 76, Chapter 11, Weapons, are uniformly applicable throughout the state and in all the political subdivisions of the state.
(4) Authority to regulate firearms, ammunition, and firearm accessories is reserved to the state except where the Legislature specifically delegates responsibility to local or state governmental entities.
(5) Unless specifically authorized by the Legislature by statute, a local or state governmental entity may not enact, establish, or enforce a directive pertaining to firearms, ammunition, or firearm accessories that in any way inhibits or restricts the possession, ownership, purchase, sale, transfer, transport, or use of firearms, ammunition, or firearm accessories on either public or private property.
(6) This section does not restrict or expand private property rights.
(7) A violation of this section is subject to Title 78B, Chapter 6, Part 23, Firearm Preemption Enforcement Act.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-5a-102.1 When a firearm is considered to be loaded.**

For the purpose of this chapter, a firearm is considered to be loaded if the firearm meets the conditions described in Subsection 76-11-102(1).

Enacted by Chapter 208, 2025 General Session

**53-5a-102.2 Open and concealed carry of a firearm outside of an individual's residence.**

(1) To effectuate the Second Amendment to the United States Constitution and Utah Constitution, Article I, Section 6, that prohibit the infringement of the right of the people of Utah to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes, and consistent with the Legislature's ability to define the lawful use of arms:
(a) subject to Subsections (2)(a) and (b), an individual 18 years old or older but younger than 21 years old without a provisional carry permit issued under Section 53-5a-305 may only carry in an open manner:
(i) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present;
(ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and
(iii) an unloaded firearm that the individual may otherwise lawfully carry, on a public street;
(b) subject to Subsections (2)(a) and (b), an individual 21 years old or older may open or conceal carry, without a conceal carry permit:
(i) an unloaded or loaded firearm:
(A) on a public street; or
(B) in any other place not prohibited by, or pursuant to, state statute or federal law;
(ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and
(iii) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present; and
(c) subject to Subsections (2)(c) and (d), an individual 18 years old or older with a concealed carry permit issued under Section 53-5a-303, a temporary concealed carry permit issued under Section 53-5a-304, a provisional concealed carry permit issued under Section

53-5a-305, or a concealed carry permit lawfully issued by or in another state, may open or conceal carry a loaded or unloaded firearm:

(i) in a vehicle in which the individual is lawfully present;

(ii) on a public street; or

(iii) in any other place not prohibited by, or pursuant to, state statute or federal law.

(2)

(a) An individual openly carrying a firearm under Subsection (1)(a) or (b) without a concealed carry permit may not carry the firearm:

(i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition is posted;

(ii) on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205;

(iii) on or about the premises of an institution of higher education as described in Section 76-11-205.5;

(iv) on or about the premises of a daycare as described in Section 76-11-206;

(v) in an airport secure area as described in Section 76-11-218;

(vi) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or

(vii) in any other place prohibited by, or pursuant to, another state statute or federal law.

(b) An individual 21 years old or older concealing a firearm without a concealed carry permit under Subsection (1)(b) may not carry the firearm:

(i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition is posted;

(ii) on or about the school premises of a public or private elementary school or secondary school as described in Section 76-11-205;

(iii) on or about the premises of an institution of higher education as described in Section 76-11-205.5;

(iv) on or about a daycare premises as described in Section 76-11-206;

(v) in an airport secure area as described in Section 76-11-218;

(vi) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or

(vii) in any other place prohibited by, or pursuant to, another state statute or federal law.

(c) Subject to Subsection (2)(d), an individual with a concealed carry permit under Subsection (1)(c) may not carry the firearm in any manner:

(i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition posted;

(ii) in an airport secure area as described in Section 76-11-218;

(iii) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or

(iv) in any other place prohibited by, or pursuant to, another state statute or federal law.

(d) In addition to the locations described in Subsection (2)(c):

(i) an individual 18 years old but younger than 21 years old with a provisional concealed carry permit under Section 53-5a-304 may not carry the firearm in any manner on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205; and

(ii) an individual concealing a firearm only with a concealed carry permit lawfully issued by or in another state may not carry the firearm in any manner:

(A) on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205;
(B) on or about the premises of an institution of higher education as described in Section 76-11-205.5; or
(C) on or about the premises of a daycare as described in Section 76-11-206.
(3) This section does not prohibit:
(a) the owner or lawful possessor of a vehicle from prohibiting another individual from carrying a firearm in the owner or lawful possessor's vehicle; or
(b) except as provided in Section 53-5a-102.3, the owner or lawful lessee of private real property from prohibiting another individual from possessing a firearm on the property.
(4) An individual is lawfully present in a vehicle while carrying a firearm under this section if:
(a) the vehicle is in the lawful possession of the individual; or
(b) the individual has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.

Enacted by Chapter 208, 2025 General Session

**53-5a-102.3 Possession of a firearm at a residence or on real property.**
(1) Except for an individual categorized as a restricted person under Section 76-11-302, Section 76-11-303, or 18 U.S.C. Sec. 922(g), or an individual otherwise prohibited by law, an individual 18 years old or older may have, and cannot be restricted from having, a loaded or unloaded firearm:
(a) at the individual's place of residence; or
(b) on the individual's real property.
(2) An individual's place of residence described in Subsection (1)(a) includes:
(a) a temporary residence or camp; or
(b) a residence that the individual has been granted the lawful right of possession to rent or lease.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-103 Discharge of a firearm on private property -- Liability.**
(1) As used in this section:
(a) "Firearm possessor" means an individual who may lawfully possess a firearm.
(b) "Property occupant" means:
(i) a private property owner; or
(ii) an individual who has the right to occupy a private property under an agreement.
(2) Except as provided under Subsection (3), a property occupant, who knowingly allows a firearm possessor to lawfully bring a firearm onto the property occupant's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the firearm possessor while on the property occupant's property.
(3) Subsection (2) does not apply if the property occupant solicits, requests, commands, encourages, or intentionally aids the firearm possessor in discharging the firearm while on the property occupant's property for a purpose other than the lawful defense of an individual on the property.
(4) This section does not alter the responsibilities a tenant owes to a landlord under the terms of the lease agreement entered into between the tenant and landlord.

Amended by Chapter 208, 2025 General Session

**53-5a-103.5 Firearm regulation in homeless shelters.**

(1) As used in this section:

(a)

(i) "Homeless shelter" means a permanent or temporary facility operated or owned by a local or state governmental entity that provides temporary shelter to homeless individuals and has the capacity to provide temporary shelter to at least 10 individuals per night.

(ii) "Homeless shelter" does not include a permanent or temporary facility operated by a local or state governmental entity that provides temporary shelter to individuals displaced due to a disaster or under a state of emergency.

(b) "Local or state governmental entity" means the same as that term is defined in Section 78B-6-2301.

(2)

(a) Except as provided in Subsection (2)(b) and subject to Subsection (3), a local or state governmental entity may prohibit the possession of a firearm within a homeless shelter over which the local or state government entity exercises authority.

(b) A local or state governmental entity may not prohibit the possession of a firearm on the grounds outside of a homeless shelter.

(3) If a local or state governmental entity prohibits the possession of a firearm under Subsection (2), the local or state governmental entity shall:

(a) display readily visible signage at all public entrances of the homeless shelter indicating that firearms are not permitted inside the homeless shelter;

(b)

(i) provide a means of detecting a firearm at all public entrances to the homeless shelter; and

(ii) ensure an individual is physically present at a public entrance to the homeless shelter when the public entrance to the homeless shelter is in use;

(c) provide secure storage for a firearm while an individual is inside the homeless shelter; and

(d) prohibit the collection of information about a firearm that is stored at the homeless shelter, including taking a photograph of the firearm or recording the serial number of the firearm.

(4) A stored firearm in a homeless shelter that is abandoned for more than seven days by the owner of the firearm may be relinquished by the homeless shelter to a law enforcement agency for disposal.

Enacted by Chapter 428, 2022 General Session

**53-5a-104 Firearm transfer certification or notification.**

(1) As used in this section:

(a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm.

(b) "Chief law enforcement officer" means any official that the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm.

(c) "Firearm" means the same as that term is defined in the National Firearms Act, 26 U.S.C. Sec. 5845(a).

(d) "Local law enforcement agency" means the same as that term is described in 18 U.S.C. Sec. 923.

(e) "Notification" means any form or record that is subject to 18 U.S.C. Sec. 923(g)(3)(B).

(2) A chief law enforcement officer may not make a certification under this section that the chief law enforcement officer knows to be untrue. The chief law enforcement officer may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm, the possession of which is not prohibited by law.

(3) Upon receiving a federal firearm transfer form a chief law enforcement officer or the chief law enforcement officer's designee shall provide certification if the applicant:

(a) is not prohibited by law from receiving or possessing the firearm; or

(b) is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm.

(4) The chief law enforcement officer, the chief law enforcement officer's designee, or official signing the federal transfer form shall:

(a) return the federal transfer form to the applicant within 15 calendar days; or

(b) if the applicant is denied, provide to the applicant the reasons for denial in writing within 15 calendar days.

(5) Chief law enforcement officers and their employees who act in good faith when acting within the scope of their duties are immune from liability arising from any act or omission in making a certification as required by this section. Any action taken against a chief law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.

(6) A chief law enforcement officer or local law enforcement agency that receives a certification or notification shall destroy and delete the certification or notification and any other record that contains information obtained from the certification or notification within 15 days after the day on which the chief law enforcement officer or local law enforcement agency receives the certification or notification.

(7) A certification or notification and any other record or portion of a record that contains information gathered from the certification or notification is classified as a private record in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 245, 2017 General Session

**53-5a-105 Number or mark assigned to a handgun by the department.**

(1) The department, upon request, may assign a distinguishing number or mark of identification to a handgun whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.

(2) Except as provided in Subsection (3), an individual who places or stamps a mark of identification or distinguishing number on a handgun except one assigned to the handgun by the department is guilty of a class A misdemeanor.

(3) This section does not:

(a) prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the department;

(b) prohibit a manufacturer from placing in the ordinary course of business the name of the make, model, manufacturer's number, or other mark of identification upon a new handgun; or

(c) apply to a handgun that is an antique firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-106 Alteration of number or mark on a handgun.**

(1) An individual may not change, alter, remove, or obliterate the name of the maker, the model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the department, on a handgun, without first having secured written permission from the department to make the change, alteration, removal,or obliteration.
(2) Except as provided in Subsection (3), a violation of Subsection (1) is a class A misdemeanor.
(3) This section does not apply to a handgun that is an antique firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-107 Compliance with firearms prohibitions in secure facilities.**

An individual, including an individual with a concealed firearm permit issued under Part 3, Concealed Firearm Permits, or possessing a concealed firearm without a permit in accordance with Section 53-5a-102.2, shall comply with any rule established by a secure facility pursuant to Section 76-8-311.1 and is subject to any penalty provided for violating the established rule.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-108 Individuals who are exempt from certain weapons laws.**

(1) Except as provided in Subsections (2) and (3), this part, Part 3, Concealed Firearm Permits, and Title 76, Chapter 11, Weapons, do not apply to any of the following:
  (a) a United States marshal;
  (b) a federal official required to carry a firearm;
  (c) a peace officer of any jurisdiction;
  (d) a law enforcement official with a certificate issued under Section 53-5a-311(4);
  (e) a judge with a certificate issued under Section 53-5a-311(4);
  (f) a court commissioner with a certificate issued under Section 53-5a-311(4); or
  (g) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.
(2) Subsection (1) does not apply to Section 76-11-207, 76-11-209, or 76-11-210.
(3) Notwithstanding Subsection (1), the provisions of Section 76-11-217 apply to any individual listed in Subsection (1) who is not employed by a state or federal agency or political subdivision that has adopted a policy or rule regarding the use of dangerous weapons.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

## Part 2
## Federal Firearm Enforcement Limitation Act

**53-5a-201 Findings.**

To protect and preserve the individual right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Utah Constitution, Article I, Section 6, the Legislature makes the following findings:

(1) the Tenth Amendment to the United States Constitution guarantees to the state and the state's people all powers not granted to the federal government elsewhere in the United States Constitution and reserves to the state and people of Utah certain powers as those powers were understood at the time that Utah was admitted to statehood;

(2) the guarantee of powers to the state and the state's people under the Tenth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood;

(3) the Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the United States Constitution and reserves to the people of Utah certain rights as those rights were understood at the time that Utah was admitted to statehood;

(4) the guarantee of rights to the people under the Ninth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood;

(5) the Second Amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Utah was admitted to statehood, and the guarantee of the right is a matter of contract between the state and people of Utah and the United States as of the time of statehood; and

(6) the Utah Constitution clearly secures to Utah citizens, and prohibits unconstitutional government interference with, the right of individual Utah citizens to keep and bear arms.

Enacted by Chapter 395, 2023 General Session

**53-5a-202 Definitions.**

As used in this part:

(1)

(a) "Federal regulation" means a federal executive order, rule, or regulation that infringes upon, prohibits, restricts, or requires individual licensure for, or registration of, the purchase, ownership, possession, transfer, or use of a firearm, ammunition, or firearm accessory.

(b) "Federal regulation" does not include:

(i) a federal firearm statute; or

(ii) a federal executive order, rule, or regulation that is incorporated into the Utah Code by reference.

(2) "Firearm" means the same as that term is defined in Section 76-11-101.

(3) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

(4) "Political subdivision" means a city, town, county, special district, or water conservancy district.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-5a-203 Prohibition on enforcement.**

(1) A law enforcement officer, state employee, or employee of a political subdivision is prohibited from implementing, enforcing, assisting, or cooperating in the enforcement of a federal regulation on firearms, firearm accessories, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal regulation on firearms, firearm accessories, or ammunition.

(3) Notwithstanding Subsection (1) or (2), this section does not prohibit or otherwise limit a law enforcement officer, state employee, or employee of a political subdivision from:
(a) cooperating, communicating, or collaborating with a federal agency if the primary purpose of the cooperation is not the investigation or enforcement of a federal regulation on firearms, ammunition, or firearm accessories;
(b) serving on or participating in:
(i) a federal law enforcement task force or program if:
(A) investigation and prosecution of state or federal firearms regulations are part of the duties of the task force or program; or
(B) the law enforcement officer, state employee, or employee of the political subdivision is compensated by federal funds; or
(ii) a state law enforcement task force or program that:
(A) receives federal funding; or
(B) has participation from federal law enforcement officials; or
(c) referring an investigation to a federal law enforcement agency if the law enforcement officer, state employee, or political subdivision employee reasonably believes that a federal law regarding firearms, ammunition, or firearm accessories has been violated.
(4) This section does not apply to:
(a) a law enforcement officer or state employee employed by or assisting:
(i) the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201;
(ii) the Peace Officer Standards and Training Division created in Section 53-6-103; or
(iii) the Utah National Guard or the Utah State Defense Force created in Title 39A, National Guard and Militia Act; or
(b) an individual who:
(i) is appointed as a Special Assistant U.S. Attorney under 18 U.S.C. Sec. 925D; or
(ii) is assisting another individual that is appointed as a Special Assistant U.S. Attorney under 18 U.S.C. Sec. 925D.

Enacted by Chapter 395, 2023 General Session

## Part 3
## Concealed Firearm Permits

**53-5a-301 Definitions.**
As used in this part:
(1) "Active duty service member" means an individual on active military duty with the United States military and includes full time military active duty, military reserve active duty, and national guard military active duty service members stationed in Utah.
(2) "Active duty service member spouse" means an individual recognized by the military as the spouse of an active duty service member and who resides with the active duty service member in Utah.
(3) "Board" means the Concealed Firearm Review Board created in Section 53-5a-302.
(4) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the department.
(5) "Concealed firearm" means the same as that term is defined in Section 53-5a-101.5.

(6) "Conviction" means criminal conduct in which the filing of a criminal charge has resulted in:
(a) a finding of guilt based on evidence presented to a judge or jury;
(b) a guilty plea;
(c) a plea of nolo contendere;
(d) a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation;
(e) a pending diversion agreement; or
(f) a conviction that has been reduced in accordance with Section 76-3-402.
(7) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
(9) "Firearm" means the same as that term is defined in Section 53-5a-101.5.
(10)
(a) "School employee" means an employee of a public school district, charter school, or private school whose duties, responsibilities, or assignments require the employee to be physically present on a school's campus at least half of the days on which school is held during a school year.
(b) "School employee" also means a substitute teacher, as defined in Section 53E-6-901.
(11) "School year" means the period of time designated by a local school board, charter school governing board, or private school as the school year for high school, middle school, or elementary school students.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-302 Concealed Firearm Review Board -- Membership -- Compensation -- Terms -- Duties.**

(1) There is created within the bureau the Concealed Firearm Review Board.
(2)
(a) The board is comprised of not more than five members appointed by the commissioner on a bipartisan basis.
(b) The board shall include a member representing law enforcement and at least two citizens, one of whom represents sporting interests.
(3)
(a) Except as required by Subsection (3)(b), as terms of current board members expire, the commissioner shall appoint each new member or reappointed member to a four-year term.
(b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(5) 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.
(6) The board shall meet at least quarterly, unless the board has no business to conduct during that quarter.

(7) The board, upon receiving a timely filed petition for review, shall review within a reasonable time the denial, suspension, or revocation of a permit or a temporary permit to carry a concealed firearm.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-303 Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.**

(1)

(a) Except as provided in Subsection (1)(b), the bureau shall issue a concealed carry permit allowing the carrying of a concealed firearm for lawful self defense to an applicant who is 21 years old or older within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).

(b)

(i) Within 90 days before the day on which a provisional permit holder under Section 53-5a-304 reaches 21 years old, the provisional permit holder may apply under this section for a permit to carry a concealed firearm for lawful self defense.

(ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).

(iii) A permit issued under this Subsection (1)(b):

(A) is not valid until an applicant is 21 years old; and

(B) requires, before July 1, 2026, a $10 application fee and, on or after July 1, 2026, an application fee set by the bureau.

(iv) An individual who applies for a permit under this Subsection (1)(b) is not required to retake the firearms training described in Subsection 53-5a-303(8).

(c) A concealed firearm permit issued in accordance with this section is valid throughout the state for five years, without restriction, except as otherwise provided by Section 53-5a-102.2.

(d) Subsection (4)(a) does not apply to a nonresident:

(i) active duty service member, who presents to the bureau orders requiring the active duty service member to report for duty in this state; or

(ii) active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state.

(2)

(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:

(i) has been or is convicted of a felony;

(ii) has been or is convicted of a crime of violence;

(iii) has been or is convicted of an offense involving the use of alcohol;

(iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances;

(v) has been or is convicted of an offense involving moral turpitude;

(vi) has been or is convicted of an offense involving domestic violence;

(vii) has been or is adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; or

(viii) is not qualified to purchase and possess a firearm pursuant to Title 76, Chapter 11, Part 3, Persons Restricted Regarding Dangerous Weapons, or federal law.

(b) In determining whether an applicant or permit holder is qualified to hold a concealed firearm permit under Subsection (2)(a), the bureau shall consider mitigating circumstances.

(3)

(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the bureau has reasonable cause to believe that the applicant or concealed firearm permit holder has been or is a danger to self or others as demonstrated by evidence, including:

(i) past pattern of behavior involving unlawful violence or threats of unlawful violence;

(ii) past participation in incidents involving unlawful violence or threats of unlawful violence; or

(iii) conviction of an offense in Title 76, Chapter 11, Weapons.

(b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a single conviction of an infraction violation of an offense in Title 76, Chapter 11, Weapons.

(c) In determining whether the applicant or concealed firearm permit holder has been or is a danger to self or others, the bureau may inspect:

(i) expunged records of arrests and convictions of adults as provided in Section 77-40a-403; and

(ii) juvenile court records as provided in Section 78A-6-209.

(d)

(i) The bureau shall suspend a concealed firearm permit if the permit holder becomes a temporarily restricted person in accordance with Section 53-5a-504.

(ii) Upon removal from the temporary restricted list described in Section 53-5a-504, the concealed firearm permit holder's permit shall be reinstated unless:

(A) the concealed firearm permit has been revoked, been suspended for a reason other than the restriction described in Subsection (3)(d)(i), or expired; or

(B) the concealed firearm permit holder has become a restricted person under Section 76-11-302 or 76-11-303.

(4)

(a) In addition to meeting the other qualifications for the issuance of a concealed firearm permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law shall:

(i) hold a current concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and

(ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

(b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit for a period of 10 years.

(c) Subsection (4)(a) applies to:

(i) all applications for the issuance of a concealed firearm permit received by the bureau; and

(ii) an application for renewal of a concealed firearm permit by a nonresident.

(5) The bureau shall issue a concealed firearm permit to a former peace officer who departs full-time employment as a peace officer, in an honorable manner, within five years of that departure if the officer meets the requirements of this section.

(6) Except as provided in Subsection (7), the bureau shall also require the applicant to provide:

(a) the address of the applicant's permanent residence;

(b) one recent dated photograph;

(c) one set of fingerprints; and

(d) evidence of general familiarity with the types of firearms to be concealed as defined in Subsection (8).

(7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a letter of good standing from the officer's commanding officer in place of the evidence required by Subsection (6)(d).

(8)

(a) General familiarity with the types of firearms to be concealed includes training in:

(i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and

(ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.

(b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by one of the following:

(i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;

(ii) certification of general familiarity by an individual who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or

(iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.

(c) Instruction taken by a student under this Subsection (8) shall be in person and not through electronic means.

(d) An individual applying for a renewal permit is not required to retake the firearms training described in this Subsection (8) if the individual:

(i) has an unexpired permit; or

(ii) has a permit that expired less than one year before the date on which the renewal application was submitted.

(9)

(a) An applicant for certification as a Utah concealed firearms instructor shall:

(i) be at least 21 years old;

(ii) be currently eligible to possess a firearm under Section 76-11-302 or 76-11-303;

(iii) have:

(A) completed a firearm instruction training course from the National Rifle Association or another nationally recognized firearm training organization that customarily offers firearm safety and firearm law instructor training or the Department of Public Safety, Division of Peace Officer Safety Standards and Training; or

(B) received training equivalent to one of the courses referred to in Subsection (9)(a)(iii)(A) as determined by the bureau;

(iv) have taken a course of instruction and passed a certification test as described in Subsection (9)(c); and

(v) possess a Utah concealed firearm permit.

(b) An instructor's certification is valid for three years from the date of issuance, unless revoked by the bureau.

(c)

(i) In order to obtain initial certification or renew a certification, an instructor shall attend an instructional course and pass a test under the direction of the bureau.

(ii)

(A) The bureau shall provide or contract to provide the course referred to in Subsection (9)(c)(i) twice every year.

(B) The course shall include instruction on current Utah law related to firearms, including concealed carry statutes and rules, and the use of deadly force by private citizens.

(d)

(i) Each applicant for certification under this Subsection (9) shall:

(A) before July 1, 2026, pay a fee of $50.00 at the time of application for initial certification; and

(B) on or after July 1, 2026, pay a fee determined by the bureau.

(ii) The renewal fee for the certificate is:

(A) before July 1, 2026, $25; and

(B) on or after July 1, 2026, a fee determined by the bureau.

(iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated credit to cover the cost incurred in maintaining and improving the instruction program required for concealed firearm instructors under this Subsection (9).

(10) A certified concealed firearms instructor shall provide each of the instructor's students with the required course of instruction outline approved by the bureau.

(11)

(a)

(i) A concealed firearms instructor shall provide a signed certificate to an individual successfully completing the offered course of instruction.

(ii) The instructor shall sign the certificate with the exact name indicated on the instructor's certification issued by the bureau under Subsection (9).

(iii)

(A) The certificate shall also have affixed to it the instructor's official seal, which is the exclusive property of the instructor and may not be used by any other individual.

(B) The instructor shall destroy the seal upon revocation or expiration of the instructor's certification under Subsection (9).

(C) The bureau shall determine the design and content of the seal to include at least the following:

(I) the instructor's name as it appears on the instructor's certification;

(II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my certification expires on (the instructor's certification expiration date)"; and

(III) the instructor's business or residence address.

(D) The seal shall be affixed to each student certificate issued by the instructor in a manner that does not obscure or render illegible any information or signatures contained in the document.

(b) The applicant shall provide the certificate to the bureau in compliance with Subsection (6)(d).

(12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:

(a) become ineligible to possess a firearm under Section 76-11-302 or 76-11-303, or federal law; or

(b) knowingly and willfully provided false information to the bureau.

(13) An applicant for certification or a concealed firearms instructor has the same appeal rights as described in Subsection (16).

(14) In providing instruction and issuing a permit under this part, the concealed firearms instructor and the bureau are not vicariously liable for damages caused by the permit holder.

(15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.

(16)

(a) In the event of a denial, suspension, or revocation of a permit, the applicant or permit holder may file a petition for review with the board within 60 days from the date the denial, suspension, or revocation is received by the applicant or permit holder by certified mail, return receipt requested.

(b) The bureau's denial of a permit shall be in writing and shall include the general reasons for the action.

(c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.

(e)

(i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.

(ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).

(iii) The final order is final bureau action for purposes of judicial review under Section 63G-4-402.

(17)

(a) The bureau shall, beginning July 1, 2026, establish fees authorized in this part in accordance with the procedures specified in Section 63J-1-504.

(b) When submitting the information required to the Legislature under Subsection 63J-1-504(6)(a), the bureau shall also provide, for the previous five years categorized by year:

(i) the number of permit holders;

(ii) the amount of revenue deposited into the Concealed Weapons Account created in Section 53-5-707 that is collected from fees for:

(A) nonresidents; and

(B) residents; and

(iii) the amount of expenditures from the Concealed Weapons Account created in Section 53-5-707.

(18) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-304 Provisional permit to carry concealed firearm.**

(1)

(a) The bureau shall issue a provisional permit to carry a concealed firearm for lawful self-defense to an applicant who is 18 years old but younger than 21 years old, within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection 53-5a-303(2).

(b) Except as provided in Subsection (2), a provisional concealed carry permit is valid throughout the state until the applicant reaches the age of 21, without restriction, except as otherwise provided by Section 53-5a-102.2.

(2) The bureau may deny, suspend, or revoke a provisional concealed carry permit issued under this section as described in Subsections 53-5a-303(2) and (3).
(3)
(a) In addition to meeting the other qualifications for the issuance of a provisional concealed carry permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah provisional concealed carry permit or has reciprocity with Utah's provisional concealed firearm permit law shall:
(i) hold a current applicable concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and
(ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (3)(a)(i).
(b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (3)(a) is prohibited from holding a Utah concealed firearm permit of any kind for a period of 10 years.
(4) The bureau shall also require the applicant to provide:
(a) the address of the applicant's permanent residence;
(b) one recent dated photograph;
(c) one set of fingerprints; and
(d) evidence of general familiarity with the types of firearms to be concealed as defined in Section 53-5-303.
(5) In the event of a decision to deny, suspend, or revoke a provisional concealed firearm permit, the applicant or permit holder under this section may appeal the decision through the same process set forth in Subsection 53-5a-303(16).
(6) The applicant or permit holder of the provisional concealed firearm permit under this section must meet the eligibility requirements of another state, including age requirements, to carry a concealed firearm in that state.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-305 Temporary permit to carry concealed firearm -- Denial, suspension, or revocation -- Appeal.**

(1) The bureau or the bureau's designated agent may issue a temporary permit to carry a concealed firearm to an individual who:
(a) has applied for a permit under Section 53-5a-303;
(b) has applied for a temporary permit under this section; and
(c) meets the criteria required in Subsections (2) and (3).
(2) To receive a temporary permit under this section, the applicant shall demonstrate in writing to the satisfaction of the bureau extenuating circumstances that would justify issuing a temporary permit.
(3) A temporary permit may not be issued under this section until preliminary record checks regarding the applicant have been made with the National Crime Information Center and the bureau to determine any criminal history.
(4) A temporary permit is valid only for a maximum of 90 days or any lesser period specified by the bureau, or until a permit under Section 53-5-704 is issued to the holder of the temporary permit, whichever period is shorter.
(5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the commissioner determines:

(a) the circumstances justifying the temporary permit no longer exist; or
(b) the holder of the temporary permit does not meet the requirements for a permit under Section 53-5a-303.

(6)
(a) The denial, suspension, or revocation of a temporary permit shall be in writing and shall include the reasons for the action.
(b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be appealed to the board.
(c) Denial, suspension, or revocation under this subsection is final action for purposes of judicial review under Section 63G-4-402.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-306 Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

(1)
(a) Except as provided in Subsection (2), the fingerprints of each applicant for a permit under Section 53-5a-307 or 53-5a-308 shall be taken on a form prescribed by the bureau.
(b) Upon receipt of the fingerprints, the applicant fingerprint card fee prescribed in Section 53-10-108, and the fee prescribed in Section 53-5a-307 or 53-5a-308, the bureau shall conduct a search of the bureau's files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through the Federal Bureau of Investigation's files.
(c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct a search of the Federal Bureau of Investigation's files for criminal history information, the application or concealed firearm permit may be denied, suspended, or revoked until sufficient fingerprints are submitted by the applicant.

(2)
(a) If the permit applicant has previously applied to the bureau for a permit to carry concealed firearms, the bureau shall note the previous identification numbers and other data that would provide positive identification in the files of the bureau on the copy of any subsequent permit submitted to the bureau in accordance with this section.
(b) No additional application form, fingerprints, or fee are required under this Subsection (2).

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-307 Concealed firearm permit -- Fees -- Concealed Weapons Account.**

(1)
(a) An applicant for a concealed firearm permit shall pay:
(i) before July 1, 2026, a fee of $25 at the time of filing an application; and
(ii) on or after July 1, 2026, a fee set by the bureau at the time of filing an application.
(b) A nonresident applicant shall pay:
(i) before July 1, 2026, an additional $35 fee; and
(ii) on or after July 1, 2026, an additional fee set by the bureau.
(c) The bureau shall waive the initial fee for an applicant who is:
(i) a law enforcement officer under Section 53-13-103;
(ii) an active duty service member;
(iii) the spouse of an active duty service member; or

(iv) a school employee.

(2)
(a) A holder of a concealed firearm permit shall pay:
(i) before July 1, 2026, $20 for a renewal fee for the permit; and
(ii) on or after July 1, 2026, a renewal fee set by the bureau.
(b) A nonresident holder of a concealed firearm permit shall pay:
(i) before July 1, 2026, an additional $30 fee; and
(ii) on or after July 1, 2026, an additional fee set by the bureau.

(3) If a holder of a concealed firearm permit needs a replacement concealed firearm permit, the holder shall pay:
(a) before July 1, 2026, a $10 replacement fee for the permit; and
(b) on or after July 1, 2026, a replacement fee set by the bureau.

(4)
(a) The late fee for the renewal permit is:
(i) before July 1, 2026, $7.50; and
(ii) on or after July 1, 2026, a late fee set by the bureau.
(b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.

(5)
(a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."
(b) The account shall be funded from fees collected under this section and Section 53-5a-308.
(c) Funds in the account may only be used to cover costs relating to:
(i) the issuance of concealed firearm permits under this part; or
(ii) the programs described in Subsection 26B-5-102(3) and Section 26B-5-611.
(d) No later than 90 days after the end of the fiscal year, 50% of the excess of revenues over expenditures for the fiscal year shall be transferred to the Suicide Prevention and Education Fund, created in Section 26B-1-326.

(6)
(a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.
(b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.

(7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees collected under this section and Section 53-5-707.5.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-308 Provisional concealed firearm permit -- Fees -- Disposition of fees.**

(1)
(a) An applicant for a provisional concealed firearm permit, as described in Section 53-5a-304, shall pay:
(i) before July 1, 2026, a fee of $25 at the time of filing an application; and
(ii) on or after July 1, 2026, a fee set by the bureau at the time of filing an application.
(b) A nonresident applicant shall pay:
(i) before July 1, 2026, an additional $10 fee; and
(ii) on or after July 1, 2026, an additional fee set by the bureau.

(2) The replacement fee for the permit is:
(a) before July 1, 2026, $10; and
(b) on or after July 1, 2026, a replacement fee set by the bureau.
(3) Fees collected under this section shall be remitted to the Concealed Weapons Account, as described in Section 53-5a-307.
(4)
(a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.
(b) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the appropriate agency.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-309 Concealed firearm permit renewal -- Firearm safety and suicide prevention video.**
(1) The bureau, in conjunction with the Division of Integrated Healthcare created in Section 26B-1-204, shall create a firearm safety and suicide prevention video that:
(a) is Internet-accessible;
(b) is no longer than 10 minutes in length; and
(c) includes information about:
(i) safe handling, storage, and use of firearms in a home environment;
(ii) at-risk individuals and individuals who are legally prohibited from possessing firearms; and
(iii) suicide prevention awareness.
(2) Before renewing a firearm permit, an individual shall view the firearm safety and suicide prevention video and submit proof in the form required by the bureau.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the bureau shall make rules that establish procedures for:
(a) producing and distributing the firearm safety and suicide prevention video; and
(b) providing access to the video to an applicant seeking renewal of a firearm permit.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-310 Permit -- Names private.**
(1)
(a) The bureau shall maintain a record in the bureau's office of any permit issued under this part.
(b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names, addresses, telephone numbers, dates of birth, and social security numbers of individuals receiving permits are protected records under Subsection 63G-2-305(11).
(c) Notwithstanding Section 63G-2-206, an individual may not share any of the information listed in Subsection (1)(b) with any office, department, division, or other agency of the federal government unless:
(i) the disclosure is necessary to conduct a criminal background check on the individual who is the subject of the information;
(ii) the disclosure of information is made pursuant to a court order directly associated with an active investigation or prosecution of the individual who is the subject of the information;
(iii) the disclosure is made to a criminal justice agency in a criminal investigation or prosecution;
(iv) the disclosure is made by a law enforcement agency within the state to another law enforcement agency in the state or in another state in connection with an investigation,

including a preliminary investigation, or a prosecution of the individual who is the subject of the information;

(v) the disclosure is made by a law enforcement agency within the state to an employee of a federal law enforcement agency in the course of a combined law enforcement effort involving the law enforcement agency within the state and the federal law enforcement agency; or

(vi) the disclosure is made in response to a routine request that a federal law enforcement officer makes to obtain information on an individual whom the federal law enforcement officer detains, including for a traffic stop, or questions because of the individual's suspected violation of state law.

(d) An individual is guilty of a class A misdemeanor if the individual knowingly:

(i) discloses information listed in Subsection (1)(b) in violation of the provisions under Title 63G, Chapter 2, Government Records Access and Management Act, applicable to protected records; or

(ii) shares information in violation of Subsection (1)(c).

(e)

(i) As used in this Subsection (1)(e), "governmental agency" means:

(A) the state or any department, division, agency, or other instrumentality of the state; or

(B) a political subdivision of the state, including a county, city, town, school district, special district, and special service district.

(ii) A governmental agency may not compel or attempt to compel an individual who has been issued a concealed firearm permit to divulge whether the individual:

(A) has been issued a concealed firearm permit; or

(B) is carrying a concealed firearm.

(iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.

(2) The bureau shall immediately file a copy of each permit the bureau issues under this part.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-311 Law enforcement officials, judges, and court commissioners exempt -- Training requirements -- Qualification -- Revocation.**

(1) As used in this section:

(a) "Court commissioner" means an individual appointed under Section 78A-5-107.

(b)

(i) "Judge" means a judge or justice of a court of record or a court not of record.

(ii) "Judge" does not include a judge pro tem or senior judge.

(c) "Law enforcement official" means:

(i) a member of the Board of Pardons and Parole;

(ii) a district attorney, deputy district attorney, county attorney or deputy county attorney of a county not in a prosecution district;

(iii) the attorney general;

(iv) an assistant attorney general designated as a criminal prosecutor; or

(v) a city attorney or a deputy city attorney designated as a criminal prosecutor.

(2) To qualify for an exemption in Section 53-5a-108, a law enforcement official, judge, or court commissioner shall complete the following training requirements:

(a) meet the requirements of Sections 53-5a-303, 53-5a-306, and 53-5a-307; and

(b) successfully complete an additional course of training as established by the commissioner designed to assist with carrying out official law enforcement, judicial, or court commissioner duties as agents for the state or the state's political subdivisions.

(3) Annual requalification requirements for law enforcement officials, judges, or court commissioners shall be established by the commissioner and may be established by the:

(a) Board of Pardons and Parole by rule for the Board of Pardons and Parole's members;

(b) Judicial Council by rule for judges and court commissioners; and

(c) the district attorney, county attorney in a county not in a prosecution district, the attorney general, or city attorney by policy for prosecutors under their jurisdiction.

(4) The bureau may:

(a) issue a certificate of qualification to a judge, law enforcement official, or court commissioner who has completed the requirements of Subsection (2), which certificate of qualification is valid until revoked;

(b) revoke the certificate of qualification of a judge, law enforcement official, or court commissioner who:

(i) fails to meet the annual requalification criteria established pursuant to Subsection (3);

(ii) would be subject to revocation of a concealed firearm permit under Subsection 53-5a-303(2)(a); or

(iii) is no longer employed as a judge, law enforcement official, or court commissioner as defined in Subsection (1); and

(c) certify instructors for the training requirements of this section.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-312 Armed Forces -- Permit requirements -- Exemptions.**

An active duty servicemember of the United States Armed Forces who possesses a Utah concealed firearm permit is exempt from the requirement in Subsection 53-5a-303(4)(a) when renewing a Utah concealed firearm permit.

Renumbered and Amended by Chapter 208, 2025 General Session

## Part 4
## Utah State-Made Firearms Protections

**53-5a-401 Definitions.**

As used in this part:

(1) "Firearm" means a device from which is expelled a projectile by action of an explosive.

(2) "Firearm accessory" means an item that is used in conjunction with or mounted upon a firearm, firearm action, or firearm receiver but is not essential to the basic function of a firearm, including:

(a) a telescopic or laser sight;

(b) a magazine;

(c) a flash or sound suppressor;

(d) a folding or aftermarket stock or grip;

(e) a speed-loader;

(f) an ammunition carrier; and

(g) a light for target illumination.
(3) "Generic and insignificant parts:"
(a) means parts that have other manufacturing or consumer product applications; and
(b) includes:
(i) springs;
(ii) screws;
(iii) nuts; and
(iv) pins.
(4) "Manufactured" means creating a firearm, a firearm action or receiver, a firearm accessory, or ammunition from basic materials for functional usefulness, including:
(a) forging;
(b) casting;
(c) machining; and
(d) another process for working materials.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-402 Legal considerations.**

In reviewing any matter covered by this part, a court shall consider the following:
(1) The Tenth Amendment to the United States Constitution guarantees to the state and its people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Utah certain powers as they were understood at the time that Utah was admitted to statehood.
(2) The guarantee of powers to the state and its people under the Tenth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.
(3) The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the Constitution and reserves to the people of Utah certain rights as they were understood at the time that Utah was admitted to statehood.
(4) The guarantee of rights to the people under the Ninth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.
(5) The regulation of intrastate commerce is vested in the state under the Ninth and Tenth Amendments to the United States Constitution.
(6) The Second Amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Utah was admitted to statehood, and the guarantee of the right is a matter of contract between the state and people of Utah and the United States as of the time of statehood.
(7) The Utah Constitution clearly secures to Utah citizens, and prohibits government interference with, the right of individual Utah citizens to keep and bear arms.
(8) A personal firearm, a firearm action or receiver, a firearm accessory, or ammunition that is manufactured commercially or privately in the state to be used or sold within the state is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce.
(9) The Legislature declares that a firearm, a firearm action or receiver, a firearm accessory, and ammunition described in Subsection (8) does not travel in interstate commerce.
(10) The importation into the state of generic and insignificant parts and those parts' incorporation into a firearm, a firearm action or receiver, a firearm accessory, or ammunition manufactured

in the state does not subject the firearm, firearm accessory, firearm action or receiver, or ammunition to federal law or regulation.
(11) Basic materials, including unmachined steel and unshaped wood, are not firearms, firearm actions or receivers, firearms accessories, or ammunition.
(12) Trade in basic materials is not subject to congressional authority to regulate firearms, firearm actions or receivers, firearms accessories, and ammunition as if the basic materials were actually firearms, firearm actions or receivers, firearms accessories, or ammunition.
(13) Congress's authority to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearm actions or receivers, firearms accessories, and ammunition made in the state from basic materials.
(14) The attachment or use of firearms accessories in conjunction with a firearm manufactured in the state does not subject the firearm to federal regulation under Congress's power to regulate interstate commerce, without regard to whether the firearms accessories are themselves subject to federal regulation.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-403 Intrastate firearm manufacturing.**
(1) This chapter applies to a firearm, a firearm action or receiver, a firearm accessory, or ammunition that is manufactured in the state to remain in the state from basic materials that can be manufactured without the inclusion of any significant parts imported into the state.
(2) This chapter does not apply to:
(a) a firearm that cannot be carried and used by one individual;
(b) a firearm that has a bore diameter greater than 1-1/2 inches and that uses smokeless powder, not black powder, as a propellant;
(c) a firearm that discharges two or more projectiles with one activation of the trigger or other firing device, other than a shotgun; or
(d) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-404 Required markings.**
A firearm, firearm action, or firearm receiver manufactured or sold in Utah under this part must have the words "Made in Utah" or "Made in UT" clearly stamped on a central metallic part, such as the receiver or frame.

Renumbered and Amended by Chapter 208, 2025 General Session

## Part 5
## Firearms Safe Harbor

**53-5a-501 Definitions.**
As used in this part:
(1) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
(2) "Cohabitant" means an individual who:

(a) is 18 years old or older;
(b) resides in the same home with another individual; and
(c)
(i) is living as if a spouse of the individual;
(ii) is related by blood or marriage to the individual;
(iii) has one or more children in common with the individual; or
(iv) has an interest in the safety and well-being of the individual.
(3) "Domestic violence" means the same as that term is defined in Section 77-36-1.
(4) "Firearm" means a pistol, revolver, shotgun, short barrel shotgun, rifle or short barrel rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
(5) "Health care provider" means a person:
(a) who provides health care or professional services related to health care; and
(b) is acting within the scope of the person's license, certification, practice, education, or training.
(6) "Illegal firearm" means a firearm the ownership or possession of which is prohibited under state or federal law.
(7) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
(8) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
(9) "Law enforcement agency" means a municipal or county police agency or an officer of that agency.
(10) "Owner cohabitant" means a cohabitant who:
(a) is 18 years old or older; and
(b) owns a firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-502 Voluntary commitment of a firearm by cohabitant -- Law enforcement to hold firearm.**

(1)
(a) A cohabitant or owner cohabitant may voluntarily commit a firearm to a law enforcement agency or request that a law enforcement officer receive a firearm for safekeeping if the owner cohabitant or cohabitant believes that the owner cohabitant or another cohabitant with access to the firearm is an immediate threat to:
(i) a cohabitant;
(ii) the owner cohabitant; or
(iii) another individual.
(b) Except as provided in Subsection (2), if the owner of a firearm requests return of the firearm in person at the law enforcement agency's office, the law enforcement agency:
(i) may not hold the firearm under this section; and
(ii) shall return the firearm to the owner.
(2) A law enforcement agency may not return a firearm to an owner under Subsection (1)(b) if the owner of the firearm:
(a) is a restricted person under Section 76-11-302 or 76-11-303; or
(b)
(i) has been arrested and booked into a county jail on a class A misdemeanor or felony domestic violence offense;
(ii) has had a court:

(A) review the probable cause statement detailing the incident leading to the owner's arrest; and

(B) determine that probable cause existed for the arrest; and

(iii) is subject to a jail release agreement or a jail release court order arising out of the domestic violence offense.

(3) Unless a firearm is an illegal firearm subject to Section 53-5a-503, a law enforcement agency that receives a firearm in accordance with this chapter shall:

(a) record:

(i) the owner cohabitant's name, address, and phone number;

(ii) the firearm serial number and the make and model of each firearm committed; and

(iii) the date that the firearm was voluntarily committed;

(b) require the cohabitant to sign a document attesting that the cohabitant resides in the home;

(c) hold the firearm in safe custody:

(i) for 60 days after the day on which the firearm is voluntarily committed; or

(ii)

(A) for an owner described in Subsection (2)(b), during the time the jail release agreement or jail release court order is in effect; and

(B) for 60 days after the day on which the jail release agreement or jail release court order expires; and

(d) upon proof of identification, return the firearm to:

(i)

(A) the owner cohabitant after the expiration of the 60-day period; or

(B) if the owner cohabitant requests return of the firearm before the expiration of the 60-day period, at the time of the request; or

(ii) an owner other than the owner cohabitant in accordance with Section 53-5a-503.

(4) The law enforcement agency shall hold the firearm for an additional 60 days:

(a) if the initial 60-day period expires; and

(b) the cohabitant or owner cohabitant requests that the law enforcement agency hold the firearm for an additional 60 days.

(5) A law enforcement agency may not request or require that the owner cohabitant provide the name or other information of the cohabitant who poses an immediate threat or any other cohabitant.

(6) Notwithstanding an ordinance or policy to the contrary adopted in accordance with Section 63G-2-701, a law enforcement agency shall destroy a record created under Subsection (3), Subsection 53-5a-503(3)(b)(iii), or any other record created in the application of this chapter immediately, if practicable, but no later than five days after immediately upon the:

(a) return of a firearm in accordance with Subsection (3)(d); or

(b) disposal of the firearm in accordance with Section 53-5a-503.

(7) Unless otherwise provided, the provisions of Title 77, Chapter 11d, Lost or Mislaid Property, do not apply to a firearm received by a law enforcement agency in accordance with this part.

(8) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this part.

(9) The department shall:

(a) create a pamphlet to be distributed by a law enforcement officer under Section 77-36-2.1 that includes information about a cohabitant's or owner cohabitant's ability to have the owner cohabitant's firearm committed to a law enforcement agency for safekeeping in accordance with this section;

(b) survey all law enforcement agencies in the state and publish a publicly searchable registry that will allow the public to see whether each law enforcement agency is or is not available to receive a voluntarily committed firearm in accordance with this section; and
(c) subject to available funding, create and implement a marketing plan to educate law enforcement agencies and the public regarding the options available under this chapter.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-503 Illegal firearms confiscated -- Disposition of unclaimed firearm.**

(1) If a law enforcement agency receives a firearm in accordance with Section 53-5c-201, and the firearm is an illegal firearm, the law enforcement agency shall:
(a) notify the owner cohabitant attempting to voluntarily commit the firearm that the firearm is an illegal firearm; and
(b) confiscate the firearm and dispose of the firearm in accordance with Section 77-11a-403.
(2)
(a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner cohabitant to return a firearm in accordance with Section 53-5a-502, the law enforcement agency shall dispose of the firearm in accordance with Section 77-11a-403.
(b) A law enforcement agency may not dispose of a firearm under Subsection (2)(a) before one year after the day on which the cohabitant initially voluntarily committed the firearm in accordance with Section 53-5a-502.
(3)
(a) If an individual other than an owner cohabitant claims ownership of the firearm, the individual may:
(i) request that the law enforcement agency return the firearm in accordance with Subsection (3)(b); or
(ii) petition the court for the firearm's return in accordance with Subsection (3)(c).
(b) Except as provided in Section 53-5a-502, the law enforcement agency shall return a firearm to an individual other than an owner cohabitant who claims ownership of the firearm if:
(i) the 60-day period described in Section 53-5a-502 has expired;
(ii) the individual provides identification; and
(iii) the individual signs a document attesting that the individual has an ownership interest in the firearm.
(c) After sufficient notice is given to the prosecutor, the court may order that the firearm be:
(i) returned to the rightful owner as determined by the court; or
(ii) disposed of in accordance with Section 77-11a-403.
(d) A law enforcement agency shall return a firearm ordered returned to the rightful owner as expeditiously as possible after a court determination.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-504 Voluntary restrictions on firearm purchase and possession.**

(1) An individual who is not a restricted person under Section 76-11-302 or 76-11-303 may voluntarily request to be restricted from the purchase or possession of firearms.
(2) An individual requesting to be restricted under Subsection (1) may request placement on one of the following restricted lists:
(a) a restricted list that:

(i) restricts the individual from purchasing or possessing a firearm for 180 days with automatic removal of the individual from the restricted list at the end of the 180 days; and
(ii) allows the individual to request removal 30 days after the day on which the individual is added to the restricted list; or
(b) a restricted list that:
(i) restricts the individual from purchasing or possessing a firearm indefinitely; and
(ii) allows the individual to request removal 90 days after the day on which the individual is added to the restricted list.
(3)
(a) Subject to Subsections (8) and (9), the bureau shall develop a process and forms for inclusion on, and removal from, a restricted list as described in Subsection (2) to be maintained by the bureau.
(b) The bureau shall make the forms for inclusion and removal available by download through the bureau's website and require, at a minimum, the following information for the individual described in Subsection (1):
(i) name;
(ii) address;
(iii) date of birth;
(iv) contact information;
(v) signature; and
(vi)
(A) if the individual is entered on the restricted list as described in Subsection (2)(a), an acknowledgment of the statement in Subsection (8)(a); or
(B) if the individual is entered on the restricted list as described in Subsection (2)(b), an acknowledgment of the statement in Subsection (8)(b).
(4)
(a) An individual requesting inclusion on a restricted list under Subsection (2) shall:
(i) deliver the completed form in person to a law enforcement agency; or
(ii) direct the individual's health care provider under Section 53-5a-505 to electronically deliver the individual's request to the bureau.
(b) The law enforcement agency described in Subsection (4)(a)(i):
(i) shall verify the individual's identity before accepting the form;
(ii) may not accept a form from someone other than the individual named on the form; and
(iii) shall transmit the form electronically to the bureau through the Utah Criminal Justice Information System.
(5) Upon receipt of a verified form provided under this section or Section 53-5a-505 requesting inclusion on a restricted list, the bureau shall, within 24 hours, add the individual's name to the restricted list.
(6)
(a) For an individual added to the restricted list described in Subsection (2)(a):
(i) the individual may not request removal from the restricted list unless the individual has been on the restricted list for at least 30 days;
(ii) the bureau shall remove the individual from the restricted list 180 days after the day on which the individual was added to the restricted list, unless the individual:
(A) requests to be removed from the restricted list after 30 days;
(B) requests to remain on the restricted list; or
(C) directs the individual's health care provider to request that the individual remain on the restricted list;

(iii) a request for an extension shall be made in the same manner as the original request; and
(iv) the individual may continue to request, or direct the individual's health care provider to continue to request, extensions every 180 days.

(b) For an individual added to a restricted list under Subsection (2)(b), the individual:
(i) may not request removal from the restricted list unless the individual has been on the restricted list for at least 90 days; and
(ii) shall remain on the restricted list, unless the bureau receives a request from the individual to have the individual's name removed from the restricted list.

(7) If an individual restricted under this section is a concealed firearm permit holder, the individual's permit shall be:
(a) suspended upon entry on the restricted list; and
(b) reinstated upon removal from the restricted list, unless:
(i) the permit has been revoked, been suspended for a reason other than under this section, or has expired; or
(ii) the individual has become a restricted person under Section 76-11-302 or 76-11-303.

(8)
(a) The form for an individual seeking to be placed on the restricted list described in Subsection (2)(a) shall have the following language prominently displayed before the signature:

"ACKNOWLEDGMENT

By presenting this completed form to a law enforcement agency, I understand that I am requesting that my name be placed on a restricted list that restricts my ability to purchase or possess firearms for a minimum of 30 days, and up to 6 months. I understand that by voluntarily making myself a temporarily restricted person, I may not have a firearm in my possession and any attempt to purchase a firearm while I am on the restricted list will be declined. I also understand that any time after 30 days, I may request removal from the restricted list and all previous rights will be restored. In addition, if I am in possession of a valid concealed firearm permit, my permit will be suspended during the time I am on the restricted list, but will be reinstated upon my removal, unless the permit has expired, been revoked, been suspended for another reason, or I become ineligible to possess a firearm. Additionally, I acknowledge that if I possess a firearm or attempt to purchase a firearm while outside Utah, I will be subject to the law of that location regarding restricted persons."

(b) The form for an individual seeking to be placed on the restricted list described in Subsection (2)(b) shall have the following language prominently displayed before the signature:

"ACKNOWLEDGMENT

By presenting this completed form to a law enforcement agency, I understand that I am requesting that my name be placed on a restricted list that restricts my ability to purchase or possess firearms indefinitely. I understand that by voluntarily making myself a temporarily restricted person, I may not have a firearm in my possession and any attempt to purchase a firearm while I am on the restricted list will be declined. I also understand that any time after 90 days, I may request removal from the restricted list and all previous rights will be restored. In addition, if I am in possession of a valid concealed firearm permit, my permit will be suspended during the time I am on the restricted list, but will be reinstated upon my removal, unless the permit has expired, been revoked, been suspended for another reason, or I become ineligible to possess a firearm. Additionally, I acknowledge that if I possess a firearm or attempt to purchase a firearm while outside Utah, I will be subject to the law of that location regarding restricted persons."

(9)
(a) An individual requesting removal from a restricted list shall deliver a completed removal form in person to:
(i) the law enforcement agency that processed the inclusion form if the individual was placed on the restricted list under Subsection (4)(a)(i); or
(ii) the individual's local law enforcement agency if the individual was placed on the restricted list under Subsection (4)(a)(ii).
(b) The law enforcement agency described in Subsection (9)(a):
(i) shall verify the individual's identity before accepting the form;
(ii) may not accept a removal form from someone other than the individual named on the form; and
(iii) shall transmit the removal form electronically to the bureau through the Utah Criminal Justice Information System.
(10) Upon receipt of a verified removal form, the bureau shall, after three business days, remove the individual from the restricted list and remove the information from the National Instant Criminal Background Check System.
(11) For an individual added to the restricted list under Subsection (2)(a), within 30 days before the 180-day removal deadline, the bureau shall notify the individual at the address listed on the inclusion form described in Subsection (4) and, if applicable, the law enforcement agency that processed the inclusion form, that the individual is due to be removed from the restricted list, and the date on which the removal will occur, unless the individual requests an extension of up to 180 days.
(12)
(a) A law enforcement agency that receives a request for inclusion under Subsection (4)(a)(i) shall:
(i) maintain the completed form and all subsequent completed forms in a separate file; and
(ii) for an individual added to the restricted list under Subsection (2)(a), destroy the entire file within five days after the date indicated in the notification if the individual does not request an extension after notification in accordance with Subsection (11).
(b) A law enforcement agency that receives a removal request under Subsection (9) shall destroy the entire file associated with the individual within five days after the day on which the information is transmitted to the bureau.
(c) Upon removal of an individual from a restricted list, the bureau shall destroy all records related to the inclusion and removal of the individual within five days after the day on which the individual was removed.
(d) All forms and records created in accordance with this section are classified as private records in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
(13) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop the process and forms to implement this section.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-505 Assistance from a health care provider -- Restricted list.**
(1) An individual who is not a restricted person under Section 76-11-302 or 76-11-303 and is seeking inclusion on a restricted list under Section 53-5a-504 may direct the individual's health care provider to electronically deliver the individual's inclusion request described in Section 53-5a-504 to the bureau.

(2) In addition to the inclusion form described in Section 53-5a-504, the bureau shall create a form, available by download through the bureau's website, for:
(a) an individual who is directing a health care provider to electronically deliver the individual's inclusion request and require, at a minimum, the following information:
(i) the individual's signature;
(ii) the name of the individual's health care provider; and
(iii) the individual's acknowledgment of the statement in Subsection (4)(a); and
(b) a health care provider who is delivering an individual's inclusion request and require, at a minimum, the following information for the health care provider:
(i) the health care provider's name;
(ii) the name of the health care provider's organization;
(iii) the health care provider's license or certification, including the license or certification number;
(iv) the health care provider's signature; and
(v) the health care provider's acknowledgment of the statement in Subsection (4)(b).
(3)
(a) An individual who is directing a health care provider to electronically deliver the individual's request to be included on a restricted list shall, in the presence of the health care provider, complete the forms described in Section 53-5a-504 and Subsection (2)(a).
(b) The health care provider:
(i) shall verify the individual's identity before accepting the forms;
(ii) may not accept forms from someone other than the individual named on the forms;
(iii) shall complete the form described in Subsection (2)(b); and
(iv) shall deliver the request to the bureau electronically and maintain a copy of the completed request in the individual's health record.
(4)
(a) The form described in Subsection (2)(a) shall have the following language prominently displayed before the signature:

"ACKNOWLEDGMENT

By presenting this completed form to my health care provider, I understand that I am requesting that my health care provider present my name to the Bureau of Criminal Identification to be placed on a restricted list that restricts my ability to purchase or possess firearms."

(b) The form described in Subsection (2)(b) shall have the following language prominently displayed before the signature:

"ACKNOWLEDGMENT

By presenting this completed form to the Bureau of Criminal Identification, I understand that I am acknowledging that I have verified the identity of [name of individual seeking inclusion on a restricted list] and have witnessed [name of individual] sign the form requesting that [name of individual] be placed on a restricted list that restricts [name of individual]'s ability to purchase or possess firearms. I affirm that [name of individual] is currently my patient, and I am a licensed health care provider acting within the scope of my license, certification, practice, education, or training."

(5) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop the process and forms to implement this section.

Renumbered and Amended by Chapter 208, 2025 General Session

## Part 6
## Sale and Purchase of a Firearm

**53-5a-601 Definitions.**

As used in this part:

(1) "Antique firearm" means the same as that term is defined in Section 53-5a-101.5.

(2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the department.

(3) "Criminal history background check" means a criminal background check conducted through the bureau or a local law enforcement agency.

(4) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

(5) "Dealer" means a person who is:

(a) licensed under 18 U.S.C. Sec. 923; and

(b) engaged in the business of selling, leasing, or otherwise transferring a firearm or handgun, whether the person is a retail or wholesale dealer, pawnbroker, or other type of merchant or seller.

(6) "Domestic violence" means the same as that term is defined in Section 77-36-1.

(7) "Federal firearms licensee" means a person who:

(a) holds a valid federal firearms license issued under 18 U.S.C. Sec. 923; and

(b) is engaged in the activities authorized by the specific category of license held by the person.

(8)

(a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

(b) "Firearm" does not include an antique firearm.

(9)

(a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than 16 inches in length.

(b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.

(10)

(a) "Short barreled shotgun" means a shotgun having a barrel or barrels of fewer than 18 inches in length.

(b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.

(11) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.

(12) "Slug" means a single projectile discharged from a shotgun shell.

Enacted by Chapter 173, 2025 General Session
Enacted by Chapter 208, 2025 General Session

**53-5a-602 Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement officers.**

(1)
(a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.
(b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (1).

(2)
(a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.
(b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.

(3)
(a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.
(b) The form shall contain the following information:
(i) the dealer identification number;
(ii) the name and address of the individual receiving the firearm;
(iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and
(iv) the social security number or any other identification number of the individual receiving the firearm.

(4)
(a) The dealer shall send the information required by Subsection (3) to the bureau immediately upon its receipt by the dealer.
(b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (3) and has received approval from the bureau under Subsection (6).

(5) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.

(6) When the dealer calls for or requests a criminal history background check, the bureau shall:
(a) review the criminal history files, including juvenile court records, and the temporary restricted file created under Section 53-5a-504, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or federal law;
(b) inform the dealer that:
(i) the records indicate the individual is prohibited; or
(ii) the individual is approved for purchasing, possessing, or transferring a firearm;
(c) provide the dealer with a unique transaction number for that inquiry; and
(d) provide a response to the requesting dealer during the call for a criminal background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.

(7)
(a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual

receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.

(b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.

(8)

(a) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall:

(i) within 24 hours after determining that the purchaser is prohibited from purchasing, possessing, or transferring a firearm, notify the law enforcement agency in the jurisdiction where the dealer is located; and

(ii) inform the law enforcement agency in the jurisdiction where the individual resides.

(b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a firearm solely due to placement on the temporary restricted list under Section 53-5a-504.

(c) A law enforcement agency that receives information from the bureau under Subsection (8)(a) shall provide a report before August 1 of each year to the bureau that includes:

(i) based on the information the bureau provides to the law enforcement agency under Subsection (8)(a), the number of cases that involve an individual who is prohibited from purchasing, possessing, or transferring a firearm as a result of a conviction for an offense involving domestic violence; and

(ii) of the cases described in Subsection (8)(c)(i):

(A) the number of cases the law enforcement agency investigates; and

(B) the number of cases the law enforcement agency investigates that result in a criminal charge.

(d) The bureau shall:

(i) compile the information from the reports described in Subsection (8)(c);

(ii) omit or redact any identifying information in the compilation; and

(iii) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

(9) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.

(10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

(11)

(a) A dealer shall collect a criminal history background check fee for the sale of a firearm under this section.

(b) The fee described under Subsection (11)(a) remains in effect until changed by the bureau through the process described in Section 63J-1-504.

(c)

(i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.

(ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program.

(12)

(a) An individual with a concealed firearm permit issued under Section 53-5a-303 or a provisional concealed firearm permit issued under Section 53-5a-304 is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:
(i) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and
(ii) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.
(b) An individual with a temporary permit to carry a concealed firearm issued under Section 53-5a-305 is not exempt from a background check and the corresponding fee required in this section for the purchase of a firearm.

(13)
(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification.
(b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.

(14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm shall:
(a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to a customer free of charge; and
(b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun, short barreled rifle, rifle, or another firearm that federal law does not require be accompanied by a gun lock at the time of purchase.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-603 Information check before private sale of firearm.**

(1) As used in this section:
(a) "Governmental entity" means the state and the state's political subdivisions.
(b) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
(c) "Personally identifiable information" means the same as that term is defined in Section 63D-2-102.

(2) Subject to Subsections (3) and (4), the bureau shall create an online process that allows an individual who is selling or purchasing a firearm to voluntarily determine:
(a) if the other individual involved in the sale of the firearm has a valid concealed carry permit issued under Section 53-5a-303, a provisional concealed carry permit issued under Section 53-5a-304, or a temporary concealed carry permit issued under Section 53-5a-305; or
(b) based on the serial number of the firearm, if the firearm is reported as stolen.

(3) Subsection (2) does not apply to a federal firearms licensee or dealer.

(4) The bureau may not:
(a) provide information related to a request under Subsection (2) to a law enforcement agency; or
(b) collect a user's personally identifiable information under Subsection (2).

(5) A governmental entity may not require an individual who is selling or purchasing a firearm to use the process under Subsection (2).

(6) If an individual uses the process under Subsection (2), the individual is not required, based on the information the individual receives from the bureau, to make a report to a law enforcement agency.

(7) After responding to a request under Subsection (2), the bureau shall immediately dispose of all information related to the request.
(8)
(a) This section does not create a civil cause of action arising from the sale or purchase of a firearm under this section.
(b) An individual's failure to use the process under Subsection (2) is not evidence of the individual's negligence in a civil cause of action.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-604 Penalties.**
(1) A dealer is guilty of a class A misdemeanor if the dealer willfully and intentionally:
(a) requests, obtains, or seeks to obtain criminal history background information under false pretenses;
(b) disseminates criminal history background information; or
(c) violates Section 53-5a-602.
(2) An individual who purchases or transfers a firearm is guilty of a third degree felony if the individual willfully and intentionally makes a false statement of the information required for a criminal background check in Section 53-5a-602.
(3) Except as otherwise provided in Subsection (1), a dealer is guilty of a third degree felony if the dealer willfully and intentionally sells or transfers a firearm in violation of this part or Title 76, Chapter 11, Weapons.
(4) An individual is guilty of a third degree felony if the individual purchases a firearm with the intent to:
(a) resell or otherwise provide a firearm to an individual who is ineligible to purchase or receive a firearm from a dealer; or
(b) transport a firearm out of this state to be resold to an ineligible individual.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-605 Purchase of firearms pursuant to federal law.**
This part allows the purchase of firearms and ammunition pursuant to U.S.C. Title 18 Chapter 44 Sec. 922b(3).

Renumbered and Amended by Chapter 208, 2025 General Session

## Chapter 5b
## Utah State-Made Firearms Protection Act

## Part 2
## Manufacturing Firearms

## Chapter 5c

# Firearms Safe Harbor

## Part 2
## Voluntary Commitment of Firearm

## Part 3
## Voluntary Firearm Restrictions

## Chapter 5d
## Lawful Commerce in Arms Act

**53-5d-101 Title.**

This chapter is known as the "Lawful Commerce in Arms Act."

Enacted by Chapter 155, 2016 General Session

**53-5d-102 Definitions.**

As used in this chapter:

(1) "Ammunition" means a bullet, a cartridge case, primer, propellant powder, or other ammunition designed for use in any firearm, either as an individual component part or in a completely assembled cartridge.

(2) "Manufacturer" means, with respect to a qualified product, a person who is engaged in the business of manufacturing a qualified product and who is licensed to engage in business as a manufacturer under 18 U.S.C. Chapter 44.

(3) "Negligent entrustment" means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(4) "Person" means the same as that term is defined in Section 68-3-12.5.

(5)

(a) "Qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by the person or a third party.

(b) "Qualified civil liability action" does not include:

(i) an action brought against a transferor convicted under 18 U.S.C. Sec. 924(h) or Section 76-11-302 by a party directly harmed by the conduct of which the transferee was convicted;

(ii) an action brought against a seller for negligent entrustment or negligence per se;

(iii) an action in which a manufacturer or seller of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including:

(A) any incident in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under federal or state

law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or

(B) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under 18 U.S.C. Sec. 922(g) or (n) or Title 76, Chapter 11, Part 3, Persons Restricted Regarding Dangerous Weapons;

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense, then the act shall be considered the sole proximate cause of any resulting death, personal injuries, or property damage; or

(vi) an action or proceeding commenced to enforce the provisions of 18 U.S.C. Chapter 44, 26 U.S.C. Chapter 53, or Title 76, Chapter 11, Weapons.

(6) "Qualified product" means a firearm or antique firearm, as defined in Section 76-11-101, ammunition, or a component part of a firearm or ammunition.

(7) "Seller" means, with respect to a qualified product, a federal firearms licensee, as defined in Section 53-5a-601.

(8) "Trade association" means:

(a) any corporation, unincorporated association, federation, business league, or professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(b) an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax under 26 U.S.C. Sec. 501(a); and

(c) an organization, two or more members of which are manufacturers or sellers of a qualified product.

(9) "Unlawful misuse" means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-5d-103 Limitations on liability.**

(1) A manufacturer or seller of a qualified product, or trade association, is not subject to a qualified civil liability action regarding the unlawful misuse of a qualified product unless an injury or death results from an act or omission of the manufacturer, seller, or trade association that constitutes gross negligence, recklessness, or intentional misconduct.

(2) A civil liability action against a manufacturer, seller, or trade association that does not allege any of the provisions of Subsection 53-5d-102(5)(b) shall be dismissed.

Enacted by Chapter 155, 2016 General Session

## Chapter 6
## Peace Officer Standards and Training Act

# Part 1
# Peace Officer Standards and Training Division Administration

**53-6-101 Short title.**

This chapter is known as the "Peace Officer Standards and Training Act."

Enacted by Chapter 234, 1993 General Session

**53-6-102 Definitions.**

As used in this chapter:

(1) "Addiction" means the unlawful or habitual use of alcohol or a controlled substance which endangers public health and safety.

(2) "Certified academy" means a peace officer training institution certified in accordance with the standards developed under Section 53-6-105.

(3) "Council" means the Peace Officer Standards and Training Council created in Section 53-6-106.

(4) "Conviction" means an adjudication of guilt regarding criminal conduct, including:

(a) a finding of guilt by a court or a jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea which is held in abeyance pending the successful completion of:

(i) a probationary period; or

(ii) a diversion agreement; or

(e) a conviction which has been expunged or dismissed.

(5) "Director" means the director of the Peace Officer Standards and Training Division appointed under Section 53-6-104.

(6) "Dispatcher" means an employee of a public safety agency of the state or any of its political subdivisions and whose primary duties are to:

(a)

(i) receive calls for one or a combination of, emergency police, fire, and medical services, and to dispatch the appropriate personnel and equipment in response to the calls; and

(ii) in response to emergency calls, make urgent decisions affecting the life, health, and welfare of the public and public safety employees; or

(b) supervise dispatchers or direct a dispatch communication center.

(7) "Division" means the Peace Officer Standards and Training Division created in Section 53-6-103.

(8) "POST" means the division.

Amended by Chapter 313, 2010 General Session

**53-6-103 Peace Officer Standards and Training Division -- Creation -- Administration -- Duties.**

(1) There is created within the department the Peace Officer Standards and Training Division.

(2) The division shall be administered by a director acting under the supervision and control of the commissioner.

(3) The division shall promote and ensure the safety and welfare of the citizens of this state in their respective communities and provide for efficient and professional law enforcement by establishing minimum standards and training for peace officers and dispatchers throughout the state.

Amended by Chapter 134, 1995 General Session

**53-6-104 Appointment of director of division -- Qualifications -- Appointment of employees -- Term of office -- Compensation.**

(1) The commissioner, upon recommendation of the council and with the approval of the governor, shall appoint a director of the division.
(2) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
(3) The director shall be a full-time officer of the state.
(4) The director may appoint deputies, consultants, clerks, and other employees from eligibility lists authorized by the Division of Human Resource Management.
(5) The director may be removed from his position at the will of the commissioner.
(6) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 344, 2021 General Session

**53-6-105 Duties of director -- Powers -- Rulemaking.**

(1) The director, with the advice of the council, shall:
  (a) prescribe standards for the certification of a peace officer training academy, certify an academy that meets the prescribed standards, and prescribe standards for revocation of certification for cause;
  (b) prescribe minimum qualifications for certification of peace officers appointed or elected to enforce the laws of this state and its subdivisions and prescribe standards for revocation of certification for cause;
  (c) establish minimum requirements for the certification of training instructors and establish standards for revocation of certification;
  (d) provide for the issuance of appropriate certificates to those peace officers completing the basic training programs offered by a certified academy or those persons who pass a certification examination as provided for in this chapter;
  (e) consult and cooperate with certified academy administrators and instructors for the continued development and improvement of the basic training programs provided by the certified academy and for the further development and implementation of advanced in-service training programs;
  (f) consult and cooperate with state institutions of higher education to develop specialized courses of study for peace officers in the areas of criminal justice, police administration, criminology, social sciences, and other related disciplines;
  (g) consult and cooperate with other departments, agencies, and local governments concerned with peace officer training;
  (h) perform any other acts necessary to develop peace officer training programs within the state;
  (i) report to the council at regular meetings of the council and when the council requires;

(j) recommend peace officer standards and training requirements to the commissioner, governor, and the Legislature; and
(k) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director shall, with the advice of the council, make rules necessary to administer this chapter.
(2) With the permission of the commissioner, the director may execute contracts on behalf of the division with criminal justice agencies to provide training for employees of those agencies if:
(a) the employees or the employing agency pay a registration fee equivalent to the cost of the training; and
(b) the contract does not reduce the effectiveness of the division in its primary responsibility of providing training for peace officers of the state.
(3) The director may:
(a) revoke certification of a certified academy for cause; and
(b) make training aids and materials available to local law enforcement agencies.
(4) The director shall, with the advice of the council, make rules:
(a) establishing minimum requirements for the certification of dispatcher training instructors in a certified academy or interagency program and standards for revocation of this certification;
(b) establishing approved curriculum and a basic schedule for the basic dispatcher training course and the content of the dispatcher certification examination;
(c) providing for the issuance of appropriate certificates to a person who completes the basic dispatcher course or who passes a dispatcher certification examination as provided for in this chapter;
(d) establishing approved courses for certified dispatchers' annual training; and
(e) establishing a reinstatement procedure for a certified dispatcher who has not obtained the required annual training hours.
(5) The director may not, in approving and reviewing curriculum and training aids for academies, approve or recommend any curriculum which includes the use of chokeholds, carotid restraints, or any act that impedes the breathing or circulation of blood likely to produce a loss of consciousness, as a valid method of restraint.

Amended by Chapter 6, 2020 Special Session 5

**53-6-106 Creation of Peace Officer Standards and Training Council -- Purpose -- Membership -- Quorum -- Meetings -- Compensation.**
(1) There is created the Peace Officer Standards and Training Council.
(2) The council shall serve as an advisory board to the director of the division on matters relating to peace officer and dispatcher standards and training.
(3) The council includes:
(a) the attorney general or a designated representative;
(b) the superintendent of the highway patrol or a designated representative;
(c) the executive director of the Department of Corrections or a designated representative; and
(d) 14 additional members appointed by the governor having qualifications, experience, or education in the field of law enforcement as follows:
(i) one incumbent mayor;
(ii) one incumbent county commissioner;
(iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs Association, one of whom is from a county having a population of 100,000 or more, and one of whom is from a county having a population of less than 100,000;

(iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs of Police Association, one of whom is from a city of the first or second class, and one of whom is from a city of the third, fourth, or fifth class or town;
(v) one representative of the Utah Peace Officers Association;
(vi) one educator in the field of public administration, criminal justice, or a related area;
(vii) one current Utah certified law enforcement officer, employed in a non-supervisory role, rotated every term; and
(viii) three persons selected at large by the governor.

(4)
(a) Except as required by Subsection (4)(b), the 14 members of the council shall be appointed by the governor for four-year terms.
(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
(c) A member may be reappointed for additional terms.
(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor from the same category in which the vacancy occurs.

(5) A member of the council ceases to be a member:
(a) immediately upon the termination of the member's holding the office or employment that was the basis for eligibility to membership on the council; or
(b) upon two unexcused absences in one year from regularly scheduled council meetings.

(6) The council shall select a chair and vice chair from among its members.

(7) Ten members of the advisory council constitute a quorum.

(8)
(a) Meetings may be called by the chair, the commissioner, or the director and shall be called by the chair upon the written request of nine members.
(b) Meetings shall be held at the times and places determined by the director.

(9) The council shall meet at least two times per year.

(10) 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.

(11) Membership on the council does not disqualify any member from holding any other public office or employment.

Amended by Chapter 127, 2022 General Session

**53-6-107 General duties of council.**

(1) The council shall:
(a) advise the director regarding:
(i) the approval, certification, or revocation of certification of any certified academy established in the state;
(ii) minimum courses of study, attendance requirements, and the equipment and facilities to be required at a certified academy;
(iii) minimum qualifications for instructors at a certified academy;

(iv) the minimum basic training requirements that peace officers shall complete before receiving certification;
(v) the minimum basic training requirements that dispatchers shall complete before receiving certification; and
(vi) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements for the categories or classifications;
(b) recommend that studies, surveys, or reports, or all of them be made by the director concerning the implementation of the objectives and purposes of this chapter;
(c) make recommendations and reports to the commissioner and governor from time to time;
(d) choose from the sanctions to be imposed against certified peace officers as provided in Section 53-6-211, and dispatchers as provided in Section 53-6-309;
(e) establish and annually review:
(i) minimum use of force standards for all peace officers in the state;
(ii) minimum standards for officer intervention and the reporting of police misconduct based on Section 53-6-210.5; and
(iii) the best practices for investigating sexual assaults;
(f) in consultation with the Utah Victim Services Commission's subcommittee on rape and sexual assault created in Subsection 63M-7-903(5)(b), create and, if necessary, annually update a model sexual assault investigation policy based on the best practices established in Subsection (1)(e)(iii) that can be adopted and used by a law enforcement agency; and
(g) perform other acts as necessary to carry out the duties of the council in this chapter.
(2) The council may approve special function officers for membership in the Public Safety Retirement System in accordance with Sections 49-14-201 and 49-15-201.

Amended by Chapter 163, 2024 General Session

**53-6-108 Donations, contributions, grants, gifts, bequests, devises, or endowments -- Authority to accept -- Disposition.**
(1) The division may accept any donations, contributions, grants, gifts, bequests, devises, or endowments of money or property, which shall be the property of the state.
(2)
(a) If the donor directs that the money or property be used in a specified manner, then the division shall use it in accordance with these directions and state law.
(b) All money and the proceeds from donated property not disposed of under Subsection (2)(a) shall be deposited in the General Fund as restricted revenue for the division.

Amended by Chapter 324, 2010 General Session

**53-6-109 Mandatory compliance with minimum use of force standards.**
Peace officers and the agencies that employ peace officers shall comply with, and enforce compliance with, the minimum use of force standards described in Subsection 53-6-107(1)(e)(i).

Amended by Chapter 163, 2024 General Session

## Part 2
## Peace Officer Training and Certification Act

**53-6-201 Short title.**

This part is known as the "Peace Officer Training and Certification Act."

Enacted by Chapter 234, 1993 General Session

**53-6-202 Basic training course -- Completion required -- Annual training -- Prohibition from exercising powers -- Reinstatement.**

(1)
(a) The director shall:
(i)
(A) suggest and prepare subject material; and
(B) schedule instructors for basic training courses; or
(ii) review the material and instructor choices submitted by a certified academy.
(b) The subject material, instructors, and schedules shall be approved or disapproved by a majority vote of the council.
(2) The materials shall be reviewed and approved by the council on or before July 1st of each year and may from time to time be changed or amended by majority vote of the council.
(3) The basic training in a certified academy:
(a) shall be appropriate for the basic training of peace officers in the techniques of law enforcement in the discretion of the director;
(b) may not include the use of chokeholds, carotid restraints, or any act that impedes the breathing or circulation of blood likely to produce a loss of consciousness, as a valid method of restraint; and
(c) shall include instruction on identifying, responding to, and reporting a criminal offense that is motivated by a personal attribute as that term is defined in Section 76-3-203.14.
(4)
(a) All peace officers shall satisfactorily complete the basic training course or the waiver process provided for in this chapter as well as annual certified training of not less than 40 hours as the director, with the advice and consent of the council, directs.
(b) A peace officer who fails to satisfactorily complete the annual training described in Subsection (4)(a) shall automatically be prohibited from exercising peace officer powers until any deficiency is made up.
(c) The annual training described in Subsection (4)(a) shall include training focused on arrest control and de-escalation training.
(5)
(a) Beginning July 1, 2024, all peace officers who are currently employed shall participate in a training at least every three years focused on the following:
(i) mental health and other crisis intervention responses;
(ii) intervention responses for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders; and
(iii) responses to sexual traumas and investigations of sexual assault and sexual abuse in accordance with Section 53-10-908.
(b) Any training in which a peace officer participates as described in Subsection (5)(a) shall count toward the peace officer's 40-hour required annual training described in Subsection (4)(a) for the year in which the peace officer participated in the training.
(6)

(a) The director or the director's designee, in coordination with the council, shall promulgate the standards for the trainings described in Subsection (4).
(b) The chief law enforcement officer or executive officer of the peace officer's employing agency shall determine if a peace officer has complied with the standards established under Subsection (6)(a).

Amended by Chapter 112, 2024 General Session

**53-6-203 Applicants for admission to training programs or for certification examination -- Requirements.**

(1) Before being accepted for admission to the training programs conducted by a certified academy, and before being allowed to take a certification examination, each applicant for admission or certification examination shall meet the following requirements:
(a) be:
(i) a United States citizen;
(ii) a United States national; or
(iii) a lawful permanent resident of the United States who:
(A) has been in the United States legally for the five years immediately before the day on which the application is made; and
(B) has legal authorization to work in the United States;
(b) be at least:
(i) 19 years old at the time of certification as a special function officer or correctional officer; or
(ii) 21 years old at the time of certification as a law enforcement officer;
(c) be a high school graduate or furnish evidence of successful completion of an examination indicating an equivalent achievement;
(d) have not been convicted of a crime for which the applicant could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;
(e) have demonstrated good moral character, as determined by a background investigation;
(f) be free of any physical, emotional, or mental condition that might adversely affect the performance of the applicant's duties as a peace officer; and
(g) meet all other standards required by POST.
(2)
(a) An application for admission to a training program shall be accompanied by a criminal history background check of local, state, and national criminal history files and a background investigation.
(b) The costs of the background check and investigation shall be borne by the applicant or the applicant's employing agency.
(3)
(a) Notwithstanding any expungement statute or rule of any other jurisdiction, any conviction obtained in this state or other jurisdiction, including a conviction that has been expunged, dismissed, or treated in a similar manner to either of these procedures, may be considered for purposes of this section.
(b) This provision applies to convictions entered both before and after the effective date of this section.
(4) Any background check or background investigation performed under the requirements of this section shall be to determine eligibility for admission to training programs or qualification

for certification examinations and may not be used as a replacement for any background investigations that may be required of an employing agency.
(5) An applicant shall be considered to be of good moral character under Subsection (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection 53-6-211(1).
(6) An applicant seeking certification as a law enforcement officer, as defined in Section 53-13-103, shall be qualified to possess a firearm under state and federal law.

Amended by Chapter 175, 2024 General Session

**53-6-204 Time of application for admission to training program.**

At the time a person is employed or appointed as a peace officer, the chief executive officer of the agency employing or appointing shall submit to a certified academy an application together with the required background information required under Section 53-6-203.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-6-205 Completion of training course required -- Persons affected.**

(1)
(a) Except as provided in Subsection (2), before a person may be certified as a peace officer in Utah the person shall:
(i) successfully complete the basic training course at a certified academy;
(ii) pass the certification examination; and
(iii) pass a physical fitness test.
(b) A person may not exercise peace officer authority until certified.
(2) Subsection (1) applies only to persons not previously certified and who receive their first employment appointment or election as a peace officer in Utah on or after January 1, 1985.

Amended by Chapter 58, 2011 General Session

**53-6-206 Waiver of training course requirement.**

(1) The division may waive the required basic peace officer training course and certify an applicant who:
(a) provides proof that the applicant meets the requirements under Section 53-6-203 relating to qualifications for admission to the training course;
(b) provides proof that the applicant has completed a basic peace officer training program that the division determines is equivalent to the course required for certification under this part;
(c) passes the certification examination;
(d) passes a physical fitness test; and
(e) provides proof that within the previous four years the applicant either:
(i) completed the basic peace officer training program for which the applicant is seeking credit; or
(ii) was actively engaged in performing the duties of a peace officer.
(2) A waiver applicant may not exercise peace officer authority until all waiver process requirements have been met and the applicant has been certified.
(3) If an applicant fails the examination under Subsection (1)(c), the division may not waive the required basic peace officer training course and the applicant shall comply with all of the requirements in Subsection 53-6-205(1) to be certified as a peace officer in Utah.

Amended by Chapter 296, 2012 General Session

**53-6-207 Municipalities may set higher minimum standards.**

The minimum standards in this part concerning peace officer qualifications and training do not preclude counties, cities, or towns from establishing standards higher than the minimum standards contained in this part.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-6-208 Inactive certificates -- Lapse of certificate -- Reinstatement.**

(1)
(a) The certificate of a peace officer who has not been actively engaged in performing the duties as a certified and sworn peace officer for 18 consecutive months or more, but less than four consecutive years, is designated "inactive."
(b) A peace officer whose certificate is inactive shall pass the certification examination and a physical fitness test before the certificate may be reissued or reinstated.

(2)
(a) The certificate of a peace officer who has not been actively engaged in performing the duties as a certified and sworn peace officer for four continuous years or more is designated as "lapsed."
(b) A peace officer whose certificate is lapsed shall pass the basic training course at a certified academy, the certification examination, and a physical fitness test before the certificate may be reissued or reinstated.

Amended by Chapter 246, 2014 General Session

**53-6-209 Termination of employment -- Change of status form.**

(1) When a peace officer's employment terminates, the employing agency shall submit a change of status form noting the termination of the peace officer to the division.
(2) The change of status form shall:
(a) be completed and submitted within 30 days after the day on which the peace officer's employment terminates;
(b) identify the circumstances of the peace officer's status change by indicating that the peace officer has resigned, retired, terminated, transferred, is deceased, or that the peace officer's name has changed;
(c) indicate the effective date of action; and
(d) indicate the name of the new employer, if the status change is due to a transfer.
(3) If a peace officer's employment terminates during an open internal investigation regarding that peace officer and involving an alleged violation of Subsection 53-6-211(1), the employing agency shall:
(a) notify the division of the investigation in accordance with Subsection 53-6-211(6) within 30 days after the day on which the peace officer's employment terminates; and
(b) provide a reasonable estimated date of completion for the investigation.
(4)
(a) If an employing agency receives credible allegations and opens an internal investigation within two years after the day on which a peace officer's employment terminates, the employing agency shall:

(i) notify the division within 30 days after the day on which the employing agency opens the investigation; and
(ii) provide a reasonable estimated date of completion for the investigation.
(b) If the allegations described in Subsection (4)(a) involve alleged violations of Subsection 53-6-211(1), the agency shall report the allegations to the division in accordance with Subsection 53-6-211(6), regardless of whether the employing agency opens an internal investigation.
(5)
(a) Any person or agency who intentionally falsifies, misrepresents, or fails to give notice of the change of status of a peace officer is liable to the division for any damages that the failure to make the notification causes.
(b) The division shall provide the change of status form described in this section to the Utah Board of Higher Education within 30 days after the day on which the division receives a notice of termination if the relevant peace officer has received a Karen Mayne Public Safety Officer Scholarship as described in Section 53B-8-112.5.

Amended by Chapter 453, 2023 General Session

**53-6-210 Investigations and certification hearings -- Powers of division -- Violation.**
(1) For investigations by the division and for certification hearings or other testimony before the council, the division may administer oaths and affirmations, subpoena witnesses, take evidence, and require by subpoena duces tecum the production of relevant papers, records, or other documents or information, whether filed or kept in original form, or electronically stored or recorded.
(2) A person who willfully disobeys a properly served subpoena issued by the division is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-6-210.5 Duty to intervene or report officer misconduct.**
(1) As used in this section:
(a) "Adverse action" means to discharge, threaten, or discriminate against an employee in a manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.
(b) "Law enforcement agency" means an agency that is part of or administered by the state or any of the state's political subdivisions and whose primary and principal role is the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of the state's political subdivisions.
(c) "Officer" means the same as peace officer as defined in Section 53-13-102.
(d) "Police misconduct" means conduct by an officer in the course of the officer's official duties that constitutes:
(i) force that is clearly excessive in type or duration, clearly beyond what is objectively reasonable under the circumstances, or clearly not subject to legal justification under Title 76, Chapter 2, Part 4, Justification Excluding Criminal Responsibility;
(ii) a search or seizure without a warrant where it is clear, under the circumstances, that the search or seizure would not fit within an exception to the warrant requirement; or

(iii) conduct that an objectively reasonable person would consider biased or discriminatory conduct against one or more individuals based on race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.

(e)

(i) "Retaliatory action" means any adverse action, formal or informal, taken by a law enforcement agency or any of the law enforcement agency's employees, or by any individual with authority to oversee or direct a law enforcement agency, solely as a result of a law enforcement officer's or law enforcement agency employee's good faith actions in conformance with this section.

(ii) "Retaliatory action" does not mean education, training, or administrative discussion requested or required by a law enforcement agency or any of the law enforcement agency's employees, or by any individual with authority to oversee or direct a law enforcement agency, following or in connection with a law enforcement officer's or law enforcement agency employee's good faith actions taken in conformance with this section.

(2)

(a) Notwithstanding any provisions of law to the contrary, an officer who is present and knowingly observes another officer engage in police misconduct as described in Subsection (1)(d)(i) or (ii) shall, if in a position to do so safely and without unreasonable risk to the safety of the officer or another individual, intervene to prevent the misconduct from continuing to occur.

(b) An officer who in good faith intervenes to prevent police misconduct from continuing to occur under Subsection (2)(a) is not liable in any civil or criminal action that might otherwise result due solely to the intervening officer's actions.

(c) Notwithstanding Subsection (2)(b), an officer is not immune from otherwise lawful disciplinary action undertaken by the officer's employing agency in connection with the incident so long as the disciplinary action is not undertaken due solely to the officer's good faith decision to intervene.

(3)

(a)

(i) When a law enforcement agency employee is present and knowingly observes an officer engage in police misconduct as described in Subsection (1), the observing employee shall promptly report the misconduct and, if the observing employee is an officer, the observing officer's intervention, if any, to the employee's direct supervisor, the chief executive of the employee's employing law enforcement agency, or the chief executive's designee for internal affairs.

(ii) Notwithstanding Subsection (3)(a)(i), if the police misconduct to be reported by the observing employee directly involves the chief executive of the employee's employing law enforcement agency, or the chief executive's designee for internal affairs, the observing employee may report the misconduct to:

(A) the city attorney's office, if the observing employee works for a municipal law enforcement agency;

(B) the county attorney's office, if the observing employee works for a county law enforcement agency; or

(C) the attorney general, if the observing employee works for a state law enforcement agency.

(b) If the police misconduct reported under Subsection (3)(a) involves an officer from a law enforcement agency other than the reporting employee's employing agency, the chief executive of the reporting employee's employing agency shall promptly notify and communicate the report to the chief executive of the law enforcement agency whose officer's conduct is the subject of the report.

(c) A law enforcement agency employee who in good faith reports police misconduct under Subsection (3)(a) is not liable in any civil or criminal action that might otherwise result due solely to the reporting employee's actions.
(d) Notwithstanding Subsection (3)(c), a law enforcement agency employee is not immune from otherwise lawful disciplinary action undertaken by the employee's employing agency in connection with the incident so long as the disciplinary action is not undertaken due solely to the employee's good faith report of police misconduct.
(e) A law enforcement agency employee's failure to comply with Subsection (3)(a) may be cause for discipline in accordance with the policies and procedures of the employee's employing agency.

(4)
(a) A law enforcement agency may not take retaliatory action against a law enforcement agency employee due solely to an employee's good faith action under Subsection (2)(a) or (3)(a) to prevent or report police misconduct.
(b) Any retaliatory action by a law enforcement employee against another employee because that employee acted under Subsection (2)(a) or (3)(a) to prevent or report police misconduct shall be cause for discipline in accordance with the policies and procedures of the retaliating employee's employing agency.
(c) An employee who complains that retaliatory action has occurred has the burden to prove that retaliatory action or conduct in violation of this section has occurred.

(5)
(a) Not later than July 1, 2022, each law enforcement agency in the state shall adopt written policies that conform with the minimum standards set forth in this section.
(b) The threshold standards in this section do not preclude a law enforcement agency from adopting policies or establishing standards higher than the standards contained in this section.

Enacted by Chapter 182, 2022 General Session

**53-6-211 Suspension or revocation of certification -- Right to a hearing -- Grounds -- Notice to employer -- Reporting -- Judicial appeal.**

(1) The council has the authority to issue a Letter of Caution, or suspend or revoke the certification of a peace officer, if the peace officer:
(a) willfully falsifies any information to obtain certification;
(b) has any physical or mental disability affecting the peace officer's ability to perform duties;
(c) engages in, or is convicted of, conduct constituting a state or federal criminal offense, but not including a traffic offense that is a class C misdemeanor or infraction;
(d) refuses to respond, or fails to respond truthfully, to questions after having been issued a warning issued based on Garrity v. New Jersey, 385 U.S. 493 (1967);
(e) engages in sexual conduct while on duty;
(f) is certified as a law enforcement peace officer, as defined in Section 53-13-102, and is unable to possess a firearm under state or federal law;
(g) is found by a court or by a law enforcement agency to have knowingly engaged in conduct that involves dishonesty or deception in violation of a policy of the peace officer's employer or in violation of a state or federal law;
(h) is found by a court or by a law enforcement agency to have knowingly engaged in biased or prejudicial conduct against one or more individuals based on the individual's race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity; or

(i) is a chief, sheriff, or administrative officer of a law enforcement agency and fails to comply with Subsection (6).

(2) The council may not issue a Letter of Caution or suspend or revoke the certification of a peace officer for a violation of state or federal law or a violation of a law enforcement agency's policies, general orders, or guidelines of operation that do not amount to a cause of action under Subsection (1).

(3)

(a) The division is responsible for investigating officers who are alleged to have engaged in conduct in violation of Subsection (1).

(b) The division shall initiate all adjudicative proceedings under this section by providing to the peace officer involved notice and an opportunity for a hearing before an administrative law judge.

(c) All adjudicative proceedings under this section are civil actions, notwithstanding whether the issue in the adjudicative proceeding is a violation of statute that may be prosecuted criminally.

(d)

(i) The burden of proof on the division in an adjudicative proceeding under this section is by clear and convincing evidence.

(ii) If a peace officer asserts an affirmative defense, the peace officer has the burden of proof to establish the affirmative defense by a preponderance of the evidence.

(e) If the administrative law judge issues findings of fact and conclusions of law stating there is sufficient evidence to demonstrate that the officer engaged in conduct that is in violation of Subsection (1), the division shall present the finding and conclusions issued by the administrative law judge to the council.

(f) The division shall notify the chief, sheriff, or administrative officer of the police agency which employs the involved peace officer of the investigation and shall provide any information or comments concerning the peace officer received from that agency regarding the peace officer to the council before a Letter of Caution is issued, or a peace officer's certification may be suspended or revoked.

(g) If the administrative law judge finds that there is insufficient evidence to demonstrate that the officer is in violation of Subsection (1), the administrative law judge shall dismiss the adjudicative proceeding.

(4)

(a) The council shall:

(i) accept the administrative law judge's findings of fact and conclusions of law, and the information concerning the peace officer provided by the officer's employing agency; and

(ii) choose whether to issue a Letter of Caution, or suspend or revoke the officer's certification.

(b) Before making a decision, the council may consider aggravating and mitigating circumstances.

(c) A member of the council shall recuse him or herself from consideration of an issue that is before the council if the council member:

(i) has a personal bias for or against the officer;

(ii) has a substantial pecuniary interest in the outcome of the proceeding and may gain or lose some benefit from the outcome; or

(iii) employs, supervises, or works for the same law enforcement agency as the officer whose case is before the council.

(5)

(a) Termination of a peace officer, whether voluntary or involuntary, does not preclude suspension or revocation of a peace officer's certification by the council if the peace officer was terminated for any of the reasons under Subsection (1).
(b) Employment by another agency, or reinstatement of a peace officer by the original employing agency after termination by that agency, whether the termination was voluntary or involuntary, does not preclude suspension or revocation of a peace officer's certification by the council if the peace officer was terminated for any of the reasons under Subsection (1).

(6)
(a) A chief, sheriff, or administrative officer of a law enforcement agency who is made aware of an allegation against a peace officer employed by that agency that involves conduct in violation of Subsections (1)(a) through (h) shall conduct an administrative or internal investigation into the allegation and report the findings of the investigation to the division if the allegation is substantiated.
(b) If a peace officer who is the subject of an internal or administrative investigation into allegations that include any of the conditions or circumstances outlined in Subsections (1)(a) through (h) resigns, retires, or otherwise separates from the investigating law enforcement agency before the conclusion of the investigation, the chief, sheriff, or administrative officer of that law enforcement agency shall complete the investigation and report the findings to the division.

(7) The council's issuance of a Letter of Caution, or suspension or revocation of an officer's certification under Subsection (4) may be appealed under Title 63G, Chapter 4, Part 4, Judicial Review.

Amended by Chapter 175, 2024 General Session

**53-6-211.5 Voluntary relinquishment of peace officer certification.**

(1) A peace officer may voluntarily relinquish the peace officer's certification to the division at any time when a disciplinary issue regarding the peace officer has been referred to the division.

(2)
(a) A peace officer who voluntarily relinquishes certification under this section may not subsequently be certified as a peace officer in this state.
(b) This section does not apply to a peace officer whose certification has become inactive or has lapsed as provided in Section 53-6-208.

Amended by Chapter 246, 2014 General Session

**53-6-212 Responsibility for training -- Certification.**

(1) The division is not responsible for providing basic or in-service training for peace officers defined and designated in Sections 53-13-104 through 53-13-106 except for approval of the instructors and content of training where required by this chapter, Title 53, Chapter 13, Peace Officer Classifications, or division rules.

(2) Where this chapter or Title 53, Chapter 13, Peace Officer Classifications, requires an agency head to certify that a member has completed required training, the division shall rely on the certification, as provided, to be accurate.

Amended by Chapter 92, 1999 General Session

**53-6-213 Appropriations from reparation fund.**

(1) The Legislature shall appropriate from the fund established in Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime, to the division, funds for training of law enforcement officers in the state.
(2) The department shall make an annual report to the Legislature, which includes the amount received during the previous fiscal year.

Amended by Chapter 131, 2011 General Session

## Part 3
## Dispatcher Training and Certification Act

**53-6-301 Title.**
This part is known as the "Dispatcher Training and Certification Act."

Enacted by Chapter 134, 1995 General Session

**53-6-302 Applicants for certification examination -- Requirements.**
(1) Before being allowed to take a dispatcher certification examination, each applicant shall meet the following requirements:
(a) be:
(i) a United States citizen;
(ii) a United States national; or
(iii) a lawful permanent resident of the United States who:
(A) has been in the United States legally for the five years immediately before the day on which the application is made; and
(B) has legal authorization to work in the United States;
(b) be 18 years old or older at the time of employment as a dispatcher;
(c) be a high school graduate or have a G.E.D. equivalent;
(d) have not been convicted of a crime for which the applicant could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;
(e) have demonstrated good moral character, as determined by a background investigation;
(f) be free of any physical, emotional, or mental condition that might adversely affect the performance of the applicant's duty as a dispatcher; and
(g) meet all other standards required by POST.
(2)
(a) An application for certification shall be accompanied by a criminal history background check of local, state, and national criminal history files and a background investigation.
(b) The costs of the background check and investigation shall be borne by the applicant or the applicant's employing agency.
(3)
(a) Notwithstanding Title 77, Chapter 40a, Expungement of Criminal Records, regarding expungements, or a similar statute or rule of any other jurisdiction, any conviction obtained in this state or other jurisdiction, including a conviction that has been expunged, dismissed, or treated in a similar manner to either of these procedures, may be considered for purposes of this section.

(b) Subsection (3)(a) applies to convictions entered both before and after May 1, 1995.
(4) Any background check or background investigation performed under the requirements of this section shall be to determine eligibility for admission to training programs or qualification for certification examinations and may not be used as a replacement for any background investigations that may be required of an employing agency.
(5) An applicant is considered to be of good moral character under Subsection (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection 53-6-309(1).

Amended by Chapter 175, 2024 General Session
Amended by Chapter 194, 2024 General Session

**53-6-303 Completion of certification examination required -- Persons affected.**
(1) Except as provided in Subsection (2), a person must successfully complete the basic dispatcher training course and pass the certification examination according to the requirements of this part before that person can be a certified dispatcher.
(2) Subsection (1) applies only to persons not previously certified and who receive their first employment as a dispatcher in this state on or after July 1, 1996.

Enacted by Chapter 134, 1995 General Session

**53-6-304 Waiver of training course requirement.**
(1) The director may waive the required basic dispatcher training course and certify an applicant who:
(a) provides evidence that the applicant meets the requirements under Section 53-6-302, relating to qualifications for admission to the training course;
(b) provides evidence that the applicant has completed a basic dispatcher training program that, in the director's judgment, is equivalent to the course required for certification under this part; and
(c) passes the certification examination.
(2) An applicant who fails the examination under Subsection (1)(c) shall complete the basic dispatcher training course and pass the certification examination to become certified.

Amended by Chapter 258, 2011 General Session

**53-6-305 Local governments -- Option -- Higher minimum standards.**
(1) Participation in dispatcher training and certification under this part is at the option of the legislative body of each county or municipality that employs dispatchers.
(2) The minimum standards in this part concerning dispatcher qualifications and training do not preclude counties or municipalities from establishing standards higher than the minimum standards contained in this part.

Enacted by Chapter 134, 1995 General Session

**53-6-306 Inactive and lapsed certificates -- Reissuance or reinstatement -- Annual training requirement.**
(1)
(a) The certificate of a dispatcher who has not been actively engaged in performing the duties of a dispatcher for 18 consecutive months or more is designated "inactive."

(b) A dispatcher whose certificate is inactive shall pass the certification examination before the certificate may be reissued or reinstated.

(2)

(a) The certificate of a dispatcher who has not been actively engaged in performing the duties of a dispatcher for four continuous years shall be designated "lapsed."

(b) A dispatcher whose certificate has lapsed shall successfully complete the basic training course and pass the certification examination before the certificate may be reissued or reinstated.

(3)

(a) A certified dispatcher shall complete annual training approved by the director of 20 hours or more.

(b) If a dispatcher fails to satisfactorily complete the annual training, the dispatcher's certificate shall be suspended until any deficiency in the annual training is remedied.

Amended by Chapter 258, 2011 General Session

**53-6-307 Termination of employment -- Change of status form.**

(1) When a certified dispatcher's employment terminates or a certified dispatcher's status changes, the employing agency shall submit a change of status form noting the termination of the certified dispatcher to the division.

(2) The change of status form shall:

(a) be completed and submitted within 30 days of the certified dispatcher's termination date;

(b) identify the circumstances of the certified dispatcher's status change by indicating that the certified dispatcher has resigned, retired, terminated, transferred, deceased, or that the certified dispatcher's name has changed;

(c) indicate the effective date of action; and

(d) indicate the name of the new employer, if the status change is due to a transfer.

(3) Any person or agency who intentionally falsifies, misrepresents, or fails to give notice of the change of status of a certified dispatcher is liable to the division for any damages that may be sustained by the failure to make the notification.

Enacted by Chapter 134, 1995 General Session

**53-6-308 Investigations and certification hearings -- Powers of division -- Violation.**

(1) For investigations by the division and for certification hearings or other testimony before the council, the division may administer oaths and affirmations, subpoena witnesses, take evidence, and require by subpoena duces tecum the production of relevant papers, records, or other documents or information, whether filed or kept in original form, or electronically stored or recorded.

(2) A person who willfully disobeys a properly served subpoena issued by the division is guilty of a class B misdemeanor.

Enacted by Chapter 134, 1995 General Session

**53-6-309 Suspension or revocation of certification -- Right to a hearing -- Grounds -- Notice to employer -- Reporting.**

(1) The council has the authority to issue a Letter of Caution, or suspend or revoke the certification of a dispatcher, if the dispatcher:

(a) willfully falsifies any information to obtain certification;
(b) has any physical or mental disability affecting the dispatcher's ability to perform duties;
(c) engages in, or is convicted of, conduct constituting a state or federal criminal offense, but not including a traffic offense that is a class C misdemeanor or infraction;
(d) refuses to respond, or fails to respond truthfully, to questions after having been issued a warning based on Garrity v. New Jersey, 385 U.S. 493 (1967); or
(e) engages in sexual conduct while on duty.

(2) The council may not issue a Letter of Caution, or suspend or revoke the certification of a dispatcher for a violation of the employing agency's policies, general orders, or guidelines of operation that do not amount to a cause of action under Subsection (1).

(3)
(a) The division is responsible for investigating dispatchers who are alleged to have engaged in conduct in violation of Subsection (1).
(b) The division shall initiate all adjudicative proceedings under this section by providing to the dispatcher involved notice and an opportunity for a hearing before an administrative law judge.
(c) All adjudicative proceedings under this section are civil actions, notwithstanding whether the issue in the adjudicative proceeding is a violation of statute that may be prosecuted criminally.
(d)
(i) The burden of proof on the division in an adjudicative proceeding under this section is by clear and convincing evidence.
(ii) If a dispatcher asserts an affirmative defense, the dispatcher has the burden of proof to establish the affirmative defense by a preponderance of the evidence.
(e) If the administrative law judge issues findings of fact and conclusions of law stating there is sufficient evidence to demonstrate that the dispatcher engaged in conduct that is in violation of Subsection (1), the division shall present the findings and conclusions issued by the administrative law judge to the council.
(f) The division shall notify the agency that employs the involved dispatcher of the investigation and shall provide any information or comments concerning the dispatcher received from that agency regarding the dispatcher to the council before a Letter of Caution is issued, or a dispatcher's certification may be suspended or revoked.
(g) If the administrative law judge finds that there is insufficient evidence to demonstrate that the dispatcher is in violation of Subsection (1), the administrative law judge shall dismiss the adjudicative proceeding.

(4)
(a) The council shall:
(i) accept the administrative law judge's findings of fact and conclusions of law and the information concerning the dispatcher provided by the dispatcher's employing agency; and
(ii) choose whether to issue a Letter of Caution, or suspend or revoke the dispatcher's certification.
(b) Before making a decision, the council may consider aggravating and mitigating circumstances.
(c) A council member shall recuse himself or herself from consideration of an issue that is before the council if the council member:
(i) has a personal bias for or against the dispatcher;
(ii) has a substantial pecuniary interest in the outcome of the proceeding and may gain or lose some benefit from the outcome; or

(iii) employs, supervises, or works for the same agency as the dispatcher whose case is before the council.

(5)

(a) Termination of a dispatcher, whether voluntary or involuntary, does not preclude suspension or revocation of a dispatcher's certification by the council if the dispatcher was terminated for any of the reasons under Subsection (1).

(b) Employment by another agency, or reinstatement of a dispatcher by the original employing agency after termination by that agency, whether the termination was voluntary or involuntary, does not preclude suspension or revocation of a dispatcher's certification by the council if the dispatcher was terminated for any of the reasons under Subsection (1).

(6)

(a) An agency that is made aware of an allegation against a dispatcher employed by that agency that involves conduct in violation of Subsection (1) shall investigate the allegation and report to the division if the allegation is found to be true.

(b) If a dispatcher who is the subject of an internal or administrative investigation into allegations that include any of the conditions or circumstances outlined in Subsection (1) resigns, retires, or otherwise separates from the investigating law enforcement agency before the conclusion of the investigation, the agency shall report the allegations and any investigation results to the division.

(7) The council's issuance of a Letter of Caution, or suspension or revocation of an officer's certification under Subsection (4) may be appealed under Title 63G, Chapter 4, Part 4, Judicial Review.

Amended by Chapter 175, 2024 General Session
Amended by Chapter 191, 2024 General Session

**53-6-310 Responsibility for training -- Certification.**

(1) The division is not responsible for providing basic or in-service training for certified dispatchers except for approval of the instructors and content of training where required by this chapter or division rules.

(2) Where this chapter requires an agency head to certify that a member has completed required training, the division shall rely on the certification, as provided, to be accurate.

Enacted by Chapter 134, 1995 General Session

**53-6-311 Voluntary relinquishment of dispatcher certification.**

(1)

(a) A dispatcher may voluntarily relinquish the dispatcher's certification to the division at any time when a disciplinary issue regarding the dispatcher has been referred to the division.

(b) A dispatcher who voluntarily relinquishes certification under this Subsection (1) may not subsequently be certified as a dispatcher in Utah.

(2) Subsection (1) does not apply to a dispatcher whose certification has become inactive as provided in Section 53-6-306.

Enacted by Chapter 258, 2011 General Session

## Part 4
## Law Enforcement Canine Team Certification Act

**53-6-401 Definitions.**

As used in this part:

(1) "Council" means the Peace Officer Standards and Training Council created in Section 53-6-106.

(2) "Qualifying canine certifying entity" means an entity that certifies law enforcement canines and law enforcement canine handlers in accordance with the standards developed under Section 53-6-403.

Enacted by Chapter 201, 2021 General Session

**53-6-402 Law enforcement canine and handler certification.**

(1) Each law enforcement canine in the state shall be initially certified and annually recertified by a qualifying canine certifying entity.

(2) Each law enforcement canine handler in the state shall be initially certified and annually recertified by a qualifying canine certifying entity.

Enacted by Chapter 201, 2021 General Session

**53-6-403 Canine and handler certification standards and criteria--Rules.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the council shall establish and maintain required standards for the training, certification, and recertification of:

(1) law enforcement canines; and

(2) law enforcement canine handlers.

Enacted by Chapter 201, 2021 General Session

# Chapter 7
# Utah Fire Prevention and Safety Act

## Part 1
## State Fire Marshal Division Administration

**53-7-101 Short title.**

This chapter is known as the "Utah Fire Prevention and Safety Act."

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-102 Definitions.**

As used in this chapter:

(1) "Board" means the Utah Fire Prevention Board created in Section 53-7-203, except as provided in Part 3, Liquefied Petroleum Gas Act.

(2) "Director" means the state fire marshal appointed in accordance with Section 53-7-103.

(3) "Division" means the State Fire Marshal Division created in Section 53-7-103.
(4) "Fire officer" means:
(a) the state fire marshal;
(b) the state fire marshal's deputies or salaried assistants;
(c) the fire chief or fire marshal of any county, city, or town fire department;
(d) the fire officer of any fire district;
(e) the fire officer of any special service district organized for fire protection purposes; and
(f) authorized personnel of any of the persons specified in Subsections (4)(a) through (e).
(5) "State fire code" means the code adopted under Section 15A-1-403.
(6) "State fire marshal" means the fire marshal appointed director by the commissioner under Section 53-7-103.

Amended by Chapter 14, 2011 General Session

**53-7-103 State Fire Marshal Division -- Creation -- State fire marshal -- Appointment, qualifications, duties, and compensation.**
(1) There is created within the department the State Fire Marshal Division.
(2)
(a) The director of the division is the state fire marshal, who shall be appointed by the commissioner upon the recommendation of the Utah Fire Prevention Board created in Section 53-7-203 and with the approval of the governor.
(b) The state fire marshal is the executive and administrative head of the division, and shall be qualified by experience and education to:
(i) enforce the state fire code;
(ii) enforce rules made under this chapter; and
(iii) perform the duties prescribed by the commissioner.
(3) The state fire marshal acts under the supervision and control of the commissioner and may be removed from the position at the will of the commissioner.
(4) The state fire marshal shall:
(a) enforce the state fire code and rules made under this chapter in accordance with Section 53-7-104;
(b) complete the duties assigned by the commissioner;
(c) examine plans and specifications for school buildings, as required by Section 53E-3-706;
(d) approve criteria established by the state superintendent for building inspectors;
(e) promote and support injury prevention public education programs; and
(f) perform all other duties provided in this chapter.
(5) The state fire marshal shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-7-104 Enforcement of state fire code and rules -- Division of authority and responsibility.**
(1) The authority and responsibility for enforcing the state fire code and rules made under this chapter is divided as provided in this section.
(2) The fire officers of any city or county shall enforce the state fire code and rules of the state fire marshal in their respective areas.
(3) The state fire marshal may enforce the state fire code and rules in:

(a) areas outside of corporate cities, fire protection districts, and other special districts or special service districts organized for fire protection purposes;
(b) state-owned property, school district owned property, and privately owned property used for schools located within corporate cities and county fire protection districts, asylums, mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities, children's homes or institutions, or similar institutional type occupancy of any capacity; and
(c) corporate cities, counties, fire protection districts, and special service districts organized for fire protection purposes upon receiving a request from the chief fire official or the local governing body.

Amended by Chapter 16, 2023 General Session

**53-7-105 State fire marshal, deputies, and investigators -- Status of law enforcement officers -- Inclusion in Public Safety Retirement -- Training.**

(1) The state fire marshal, his deputies, and investigators, for the purpose of enforcing and investigating violations of fire related statutes and ordinances, have the status of law enforcement officers.
(2) Inclusion under Title 49, Chapter 14, Public Safety Contributory Retirement Act, Title 49, Chapter 15, Public Safety Noncontributory Retirement Act, or Title 49, Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act, is not authorized by Subsection (1) except as provided in those chapters.
(3) The commissioner, with the concurrence of the Peace Officer Standards and Training Advisory Board may require peace officer standards and training for the state fire marshal, his deputies, and investigators.

Amended by Chapter 266, 2010 General Session

**53-7-107 Electronic writing.**

(1) Any writing required or permitted by this chapter may be filed or prepared in an electronic medium and by electronic transmission subject to the ability of the recipient to accept and process the electronic writing.
(2) Any writing required by this chapter to be signed that is in an electronic medium shall be signed by electronic signature in accordance with Title 46, Chapter 4, Uniform Electronic Transactions Act.

Amended by Chapter 21, 2006 General Session

## Part 2
## Fire Prevention and Fireworks Act

**53-7-201 Short title.**

This part is known as the "Fire Prevention and Fireworks Act."

Enacted by Chapter 234, 1993 General Session

**53-7-202 Definitions.**

As used in this part:

(1) "Agricultural and wildlife fireworks" means a division 1.4G dangerous explosive that:
  (a) uses sound or light when deployed; and
  (b) is designated to prevent crop damage or unwanted animals from entering a specified area.
(2) "Commercial cooking appliance fire suppression system":
  (a) means an automatic or manual fire protection system designed for commercial cooking appliances, exhaust hoods, and ducts; and
  (b) includes a commercial kitchen exhaust system attached to a fire suppression system that is designed to remove smoke, soot, toxic gases, and grease-laden vapor resulting from cooking operations.
(3)
  (a) "Display fireworks" means large firework devices that consist of explosive materials that are intended for use in outdoor aerial fireworks displays to produce visible or audible effects by combustion, deflagration, or detonation.
  (b) "Display fireworks" includes aerial shells, salutes, roman candles, flash shells, comets, mines, and other similar explosives.
(4)
  (a) "Display operator" means a person licensed under Section 53-7-223 and who is responsible for site selection, setting up, permits, overseeing assistants and support personnel, and discharging display fireworks outdoors in situations where the audience maintains a specific distance separating it from the display fireworks being discharged.
  (b) "Display operator" does not mean a fire department.
(5) "Division 1.4G common state approved explosive" means a firework that:
  (a) is purchased at retail for use by a consumer; and
  (b) is not a division 1.4G dangerous explosive.
(6)
  (a) "Division 1.4G dangerous explosive" means a division 1.4G explosive that is:
    (i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar explosive;
    (ii)
      (A) a skyrocket;
      (B) a missile type rocket;
      (C) a single shot or reloadable aerial shell; or
      (D) a rocket similar to an item described in Subsection (6)(a)(ii)(A), (B), or (C), including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500 grams of pyrotechnic composition; or
    (iii)
      (A) a bottle rocket;
      (B) a roman candle;
      (C) a rocket mounted on a wire or stick; or
      (D) a device containing a rocket described in this Subsection (6)(a)(iii).
  (b) "Division 1.4G dangerous explosive" does not mean an exempt explosive.
(7) "Division 1.1G explosive" means an explosive described in 49 C.F.R. Sec. 173.50 (b)(1).
(8) "Division 1.2G explosive" means an explosive described in 49 C.F.R. Sec. 173.50 (b)(2).
(9) "Division 1.3G explosive" means an explosive described in 49 C.F.R. Sec. 173.50(b)(3).
(10) "Division 1.4G explosive" means an explosive described in 49 C.F.R. Sec. 173.50 (b)(4).
(11) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal flare, snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12 inches in length.

(12) "Fire executive" means a fire chief, deputy fire chief, or other active member of a fire department or fire district who has been appointed by the elected officials of a municipality or county, by a fire district board, or by an established procedure within a volunteer fire service organization, to officially represent a fire department.
(13) "Fire extinguisher" means a portable or stationary device that discharges water, foam, gas, or other material to extinguish a fire.
(14) "Fire suppression system" means an automatic fire protection system that automatically detects fire and discharges a fire extinguishing agent onto or in the area of the fire.
(15)
(a) "Fireworks" means:
(i) a division 1.4G explosive;
(ii) a division 1.4G dangerous explosive; and
(iii) a division 1.4G common state approved explosive.
(b) "Fireworks" does not mean:
(i) an exempt explosive; or
(ii) a division 1.1G explosive, a division 1.12 explosive, or a division 1.3G explosive.
(16) "Flame effects" means the combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.
(17)
(a) "Flame effects operator" means a person licensed under Section 53-7-223 who, regarding flame effects, is responsible for:
(i) storage, setup, operations, teardown, devices, equipment, overseeing assistants and support personnel, and preventing accidental discharge; and
(ii) completion of the sequence of control system functions that release the fuel for ignition to cause combustion and create the flame effects.
(b)
(i) "Flame effects operator" does not include a person who participates in a meeting, as limited under Subsection (16)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.
(ii) A meeting under Subsection (16)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.
(18) "Importer" means a person who brings division 1.2G explosives, division 1.3G explosives, or division 1.4G explosives into the state for the general purpose of:
(a) resale or use within the state; or
(b) exportation to other states.
(19)
(a) "Pyrotechnic" means any composition or device manufactured or used to produce a visible or audible effect by combustion, deflagration, or detonation.
(b) "Pyrotechnic" does not mean exempt explosives.
(20) "Retail seller" means a person who sells division 1.4G common state approved explosives to the public during the period authorized under Section 53-7-225.
(21) "Service" means the inspection, maintenance, repair, modification, testing, or cleaning of an automatic fire suppression system.
(22) "Special effects" means a visual or audible effect caused by chemical mixtures that produce a controlled, self-sustaining, and self-controlled exothermic chemical reaction that results in heat, gas, sound, or light and may also create an illusion.
(23) "Special effects operator" means a person licensed under Section 53-7-223 who is responsible for setting up, permits, overseeing assistants and support personnel, analyzing

potential hazards, setting clearances, and discharging pyrotechnic devices, either indoor or outdoor, where the audience is allowed to be in closer proximity to the pyrotechnic devices than the audience separation distance generally required for display fireworks.

(24) "Trick noisemaker" includes a:

(a) tube or sphere containing pyrotechnic composition that produces a white or colored smoke as its primary effect when ignited; and

(b) device that produces a small report intended to surprise the user, including a:

(i) "booby trap," which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;

(ii) "snapper," which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand that explodes producing a small report;

(iii) "trick match," which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

(iv) "cigarette load," which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when ignited; and

(v) "auto burglar alarm," which is a tube that:

(A) contains pyrotechnic composition that produces a loud whistle and smoke when ignited;

(B) may contain a small quantity of explosive to produce a small explosive noise; and

(C) is ignited by a squib.

(25) "Unclassified fireworks" means:

(a) a pyrotechnic device that is used, given away, or offered for sale, that has not been tested, approved, and classified by the United States Department of Transportation;

(b) an approved device that has been altered or redesigned since obtaining approval by the United States Department of Transportation; and

(c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler before receiving approval by the United States Department of Transportation.

(26) "Wholesaler" means:

(a) a person who sells division 1.4G common state approved explosives to a retailer; or

(b) a person who sells division 1.2G explosives, division 1.3G explosives, or division 1.4G explosives for display use.

Amended by Chapter 343, 2024 General Session

**53-7-203 Utah Fire Prevention Board -- Creation -- Members -- Terms -- Selection of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty to implement board rules.**

(1) There is created within the division the Utah Fire Prevention Board.

(2) The board shall be nonpartisan and be composed of 11 members appointed by the governor as follows:

(a) a licensed architect;

(b) a licensed engineer;

(c) a member of the Utah State Firemen's Association;

(d) the state forester or the state forester's designee;

(e) a member of the Utah State Fire Chiefs Association;

(f) a member of the Utah Fire Marshal's Association;

(g) a building inspector;

(h) a citizen appointed at large;

(i) a fire executive appointed from a full-time fire department in a county of the first class;

(j) a fire executive appointed from a full-time fire department in a county of the second class; and
(k) a fire executive appointed from a fire department in a county of the third, fourth, fifth, or sixth class.

(3)
(a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.
(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(5) A member whose term has expired may continue to serve until a replacement is appointed pursuant to Subsection (3).
(6) The board shall select from its members a chair and other officers as the board finds necessary.
(7) A majority of the members of the board is a quorum.
(8) The board shall hold regular semiannual meetings for the transaction of its business at a time and place to be fixed by the board and shall hold other meetings as necessary for proper transaction of business.
(9) 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.
(10) The division shall implement rules made by the board under Section 53-7-503 and perform all other duties delegated by the board.

Amended by Chapter 186, 2016 General Session

**53-7-204 Duties of Utah Fire Prevention Board -- Unified Code Analysis Council -- Local administrative duties.**

(1) The board shall:
(a) administer the state fire code as the standard in the state;
(b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(i) establishing standards for the prevention of fire and for the protection of life and property against fire and panic in any:
(A) publicly owned building, including all public and private schools, colleges, and university buildings;
(B) building or structure used or intended for use as an asylum, a mental hospital, a hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or day care center, or any building or structure used for a similar purpose; or
(C) place of assemblage where 50 or more persons may gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;
(ii) establishing safety and other requirements for placement and discharge of display fireworks on the basis of:
(A) the state fire code; and

(B) relevant publications of the National Fire Protection Association;

(iii) establishing safety standards for retail storage, handling, and sale of a division 1.4G common state approved explosive;

(iv) defining methods to establish proof of competence to place and discharge display fireworks, special effects fireworks, and flame effects;

(v) subject to Subsection (2), creating a uniform statewide policy regarding a state, county, special district, and local government entity's safe seizure, storage, and repurposing, destruction, or disposal of a division 1.1G explosive, division 1.2G explosive, division 1.3G explosive, or division 1.4G explosive that:

(A) is illegal; or

(B) a person uses or handles in an illegal manner;

(vi) deputizing qualified persons to act as deputy fire marshals, and to secure special services in emergencies;

(vii) implementing Section 15A-1-403;

(viii) establishing criteria for the certification of firefighters, pump operators, instructors, fire officers, fire investigators, and rescue personnel not certified or licensed under any other section of the Utah Code;

(ix) establishing criteria for training and safety equipment grants for fire departments enrolled in firefighter certification;

(x) establishing ongoing training standards for hazardous materials emergency response agencies;

(xi) establishing criteria for the fire safety inspection of a food truck; and

(xii) establishing criteria for the accreditation and reaccreditation of fire service training organizations;

(c) recommend to the commissioner a state fire marshal;

(d) develop policies under which the state fire marshal and the state fire marshal's authorized representatives will perform;

(e) provide for the employment of field assistants and other salaried personnel as required;

(f) prescribe the duties of the state fire marshal and the state fire marshal's authorized representatives;

(g) provide technical expertise, advice, and support to Utah Valley University in the establishment and operation of the fire and rescue training program described in Section 53B-29-202;

(h) establish a statewide fire statistics program for the purpose of gathering fire data from all political subdivisions of the state;

(i) coordinate the efforts of all people engaged in fire suppression in the state;

(j) work aggressively with the local political subdivisions to reduce fire losses;

(k) regulate the sale and servicing of portable fire extinguishers and automatic fire suppression systems in the interest of safeguarding lives and property;

(l) establish a certification program for persons who inspect and test automatic fire sprinkler systems;

(m) establish a certification program for persons who inspect and test fire alarm systems;

(n) establish a certification for persons who provide response services regarding hazardous materials emergencies;

(o) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the Business and Labor Interim Committee; and

(p) jointly create the Unified Code Analysis Council with the Uniform Building Code Commission in accordance with Section 15A-1-203.

(2)

(a) In the rules that the board makes under Subsection (1)(b)(v), the board shall include a provision prohibiting a state, county, special district, or local government entity from disposing of an item described in Subsection (1)(b)(v) by means of open burning, except under circumstances described in the rule.
(b) When making a rule under Subsection (1)(b)(v), the board shall:
(i) review and include applicable references to:
(A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and
(B) provisions of the International Fire Code; and
(ii) consider the appropriate role of the following in relation to the rule:
(A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and
(B) a firework wholesaler or distributor.
(3) The board may incorporate in its rules by reference, in whole or in part:
(a) the state fire code; or
(b) subject to the state fire code, a nationally recognized and readily available standard pertaining to the protection of life and property from fire, explosion, or panic.
(4) The following functions shall be administered locally by a city, county, or fire protection district:
(a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and 19-2-114;
(b) creating a local board of appeals in accordance with the state fire code; and
(c) subject to the state fire code and the other provisions of this chapter, establishing, modifying, or deleting fire flow and water supply requirements.

Amended by Chapter 18, 2025 General Session

**53-7-204.2 Fire Prevention Support Account -- Funding.**
(1) As used in this section:
(a) "Account" means the Fire Prevention Support Account created in Subsection (2).
(b) "Property insurance premium" means premium paid as consideration for property insurance as defined in Section 31A-1-301.
(2)
(a) To provide a funding source for the general operation of the division, there is created in the General Fund a restricted account known as the Fire Prevention Support Account.
(b) The following revenue shall be deposited in the account to implement this section:
(i) the percentage specified in Subsection (3) of the annual tax for each year that is levied, assessed, and collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon property insurance premiums and as applied to fire and allied lines insurance collected by insurance companies within the state;
(ii) the percentage specified in Subsection (4) of all money assessed and collected upon life insurance premiums within the state;
(iii) appropriations made by the Legislature; and
(iv) money collected from civil penalties in accordance with Section 53-7-504.
(3) The percentage of the tax specified in Subsection (2)(b)(i) to be deposited in the account each fiscal year is 25%.
(4) The percentage of the money specified in Subsection (2)(b)(ii) to be deposited in the account each fiscal year is 5%.

Amended by Chapter 403, 2020 General Session

**53-7-206 Equipment for new fire protection systems -- Standard equipment.**

All equipment for fire protective purposes, purchased in connection with the installation of completely new fire protection systems by any authorities having charge of public property, shall be equipped with the standard hydrant stem and cap nuts and standard threads for fire hose and fire hydrant couplings and fittings designated as the national standard, as adopted by the board, which standard is designated as the standard for the equipment in the state.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-207 Selling or offering for sale nonstandard equipment unlawful -- Exception.**

(1) A person may not sell or offer for sale any fire hose, fire hydrant, fire engine, or other equipment with threaded parts unless the equipment is fitted and equipped with the threads designated as national standard and adopted by the board and designated by law as the standard of the equipment in the state.

(2) Subsection (1) does not apply to:

(a) equipment sold or offered for sale to a local governing body for the purposes of maintaining, repairing, replacing, or extending existing fire protection equipment as provided in Section 11-4-2; and

(b) adapters and caps for fire protective purposes.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-208 Penalty and punishment.**

Any person who violates Sections 53-7-206 and 53-7-207, requiring standard equipment, is guilty of a class B misdemeanor.

Amended by Chapter 274, 2013 General Session

**53-7-209 Inspection of buildings by officials -- Review of residential inspections.**

(1) As used in this section, "International Fire Code" means the edition of the International Fire Code adopted by the Legislature with the amendments and additions in the State Fire Code.

(2) A fire chief or officer may enter a building or premises not used as a private dwelling at any reasonable hour to inspect the building or premises and enforce the rules made under this part and the state fire code.

(3) The owner, lessee, manager, or operator of a building or premises not used as a private dwelling shall permit inspections under this section.

(4)

(a) Subject to Subsection (4)(b), a county, city, or town shall, by ordinance, provide for review of an inspection conducted by the county's, city's, or town's fire chief or officer for a single-family residence within 30 days of the notice of the fire code compliance inspection.

(b) Upon request by a person who owns or is building a single-family residence, a chief executive officer of the county, city, or town in which is located the single-family residence, or the chief executive officer's designee, shall, with reasonable diligence, review an inspection described in Subsection (4)(a) to determine whether the inspection constitutes a fair administration of the State Fire Code.

(c) A review described in this section:

(i) is separate and unrelated to an appeal under the International Fire Code;

(ii) may not be used to review a matter that may be brought by appeal under the International Fire Code;

(iii) may not result in the waiver or modification of a State Fire Code requirement or standard; and
(iv) does not prohibit a person from bringing an appeal under the International Fire Code.
(d) A person who seeks a review described in this Subsection (4) may not be prohibited by preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal under the International Fire Code on the grounds that the person raised the issue or brought the claim in the review described in this section.

Amended by Chapter 260, 2011 General Session

**53-7-210 Fire investigations by local officers -- Notification to division.**
(1) The chief fire officer of any city, town, or county fire department, or of any fire district or special service district organized for fire protection purposes, or his authorized representative shall investigate the cause, origin, and circumstances of each fire occurring in his jurisdiction when property has been destroyed or damaged.
(2) The fire officer shall:
(a) begin the investigation immediately after the occurrence of the fire; and
(b) attempt to determine, among other things, whether the fire was the result of carelessness or of design.
(3) If the fire officer making this investigation determines that the fire appears to be suspicious, or of unknown origin, the officer may notify the division to request assistance.

Amended by Chapter 25, 2001 General Session

**53-7-211 Fire investigations by fire marshal.**
(1) If the division is of the opinion that further investigation of a fire is necessary, the state fire marshal, or the state marshal's deputy or representative, may:
(a) join the investigation in cooperation with the fire officers who have been conducting it;
(b) upon the request of the chief fire official of the political subdivision, assume control of the investigation and direct it; or
(c) conduct an independent investigation if necessary.
(2) A fire officer who has conducted or is conducting the investigation shall cooperate in every possible way with the state fire marshal, the state fire marshal's deputy, and the state fire marshal's representative to further the purpose of the investigation.
(3) The county attorney or district attorney of the county in which the fire occurred shall, upon the request of the state fire marshal, or the state fire marshal's deputy or representative, assist in the investigation.

Amended by Chapter 302, 2025 General Session

**53-7-212 Powers of fire marshal in respect to investigation.**
In investigating any fire the state fire marshal and the state fire marshal's deputy may:
(1) subpoena witnesses;
(2) compel their attendance and testimony; and
(3) require the production of books, papers, documents, records, and other tangible items that constitute or may contain evidence relevant to the investigation in the judgment of the state fire marshal or the state fire marshal's deputy.

Amended by Chapter 302, 2025 General Session

**53-7-213 Criminal charges resulting from investigation -- Procedure.**

If the state fire marshal, or the state fire marshal's deputy or representative, or any other officer participating in the investigation of any fire believes that there is evidence sufficient to charge a person with arson, burning with intent to defraud or prejudice the insurer, or a similar crime, the officer participating in the investigation shall furnish the county attorney or district attorney of the county in which the crime occurred with evidence and request the county attorney or district attorney to commence the proper procedures to charge the person with the appropriate crime.

Amended by Chapter 302, 2025 General Session

**53-7-214 Insurance company reports of fires.**

(1) The state fire marshal, the state fire marshal's deputy, and investigator may, in writing, require any insurance company transacting business in this state to release to the state fire marshal all relevant information or evidence found important by the state fire marshal, the state fire marshal's deputy, and investigator that the company may have in its possession, relating to any fire loss in this state in which the company has an insuring interest. Relevant information includes:

(a) insurance policy information related to a fire loss under investigation and any application for the policy;

(b) available policy premium payment records;

(c) history of previous claims made by the insured; and

(d) material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence related to the investigation.

(2)

(a) Every insurance company transacting business in the state must file with the division a report of any fire of suspicious origin.

(b) The report shall show:

(i) the name of the insured;

(ii) the location of the property burned;

(iii) the probable cause of the fire;

(iv) the occupancy of the property burned;

(v) the construction of the building or structure burned;

(vi) the market value of the property involved;

(vii) the actual loss;

(viii) the insurance carried;

(ix) the insurance paid;

(x) the apportionment of loss where more than one company was on the risk; and

(xi) if a motor vehicle or building is involved in any fire loss, a description of the motor vehicle or building.

(c) In case of a fire of suspicious or incendiary origin, a preliminary report shall be made immediately through some officer or representative of the insurance company, showing:

(i) the name of the insured;

(ii) the date of the fire;

(iii) the location;

(iv) occupancy; and

(v) other facts and circumstances tending to establish the cause or origin of the fire.

(3) All persons making an adjustment occasioned by a loss due to a fire of suspicious or incendiary origin in this state shall, upon written request, send to the division a copy of the final adjustment immediately after the adjustment is made, signed by the person making the adjustment.
(4) Any insurance company or person acting in its behalf or any person making adjustments occasioned by a loss due to fire who releases information, whether oral or written, pursuant to Subsection (1), (2), or (3) is immune from any liability for the release of this information arising out of a civil action or penalty resulting from a criminal prosecution.

Amended by Chapter 302, 2025 General Session

**53-7-215 Portable fire extinguishers -- Persons not subject to part.**
(1) The filling or charging of portable fire extinguishers prior to initial sale by the manufacturer is not subject to this part.
(2) Any firm that maintains its own fully equipped and specially staffed fire prevention, fire protection, and fire extinguisher servicing facilities is not subject to the licensing provisions of this part if it services only its own portable fire extinguishers.
(3) Individuals shall maintain a current certificate of registration.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-216 Portable fire extinguishers and fire suppression systems -- Certification and licensure required to service.**
(1) Each firm engaged in the business of servicing portable fire extinguishers or automatic fire suppression systems that automatically detect fire and discharge an approved fire extinguishing agent onto or in the area of the fire shall be licensed by the state fire marshal.
(2) Each person who services portable fire extinguishers or fire suppression systems that discharge an approved fire extinguishing agent onto or in the area of the fire shall be certified by the state fire marshal.
(3) The board shall by rule prescribe an application form and standards for licensure or certification qualification and for renewal and revocation.
(4) Applicants for licensure or certification shall:
  (a) submit a written application on the form prescribed by the board;
  (b) provide evidence of competency as required by the board; and
  (c) submit the fee established under Subsection (5).
(5) The board may establish a fee under Section 63J-1-504 to be paid upon application for licensure or certification.
(6) This section does not apply to standpipe systems, deluge systems, or automatic fire sprinkler systems.

Amended by Chapter 247, 2013 General Session

**53-7-217 Portable fire extinguishers -- Permit required to perform hydrostatic testing.**
Each firm performing hydrostatic testing of portable fire extinguishers shall:
(1) perform the tests in accordance with the specifications of the United States Department of Transportation for compressed gas cylinders; and
(2) obtain a permit from the division by applying in writing on forms provided by the division.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-218 Portable fire extinguishers -- Sale or lease without approval prohibited.**

A portable fire extinguisher may not be sold or leased in the state unless it is approved, labeled, or listed by a nationally recognized testing laboratory approved by the division as qualified to test portable fire extinguishers.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-219 Portable fire extinguishers -- Hearings authorized.**

The state fire marshal may conduct hearings or proceedings concerning the renewal, revocation, or refusal to issue permits.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-220 Short title.**

Sections 53-7-220 through 53-7-225 are known as the "Utah Fireworks Act."

Enacted by Chapter 234, 1993 General Session

**53-7-221 Exceptions from Utah Fireworks Act.**

(1) Sections 53-7-220 through 53-7-225 do not apply to a division 1.1G explosive, a division 1.2G explosive, a division 1.3G explosive, or a division 1.4G explosive that is not for use in the state, but is manufactured, stored, warehoused, or in transit for destinations outside of the state.
(2) Sections 53-7-220 through 53-7-225 do not supersede Section 23A-2-208, regarding use of fireworks and explosives by the Division of Wildlife Resources and federal game agents.
(3) Section 53-7-225 does not supersede Section 65A-8-212 regarding the authority of the state forester to close hazardous areas.

Amended by Chapter 343, 2024 General Session

**53-7-222 Restrictions on the sale or use of fireworks.**

(1)
  (a) Except as provided in Subsection (1)(b), a division 1.4G dangerous explosive may not be possessed, discharged, sold, or offered for retail sale.
  (b)
    (i) The following persons may purchase, possess, or discharge a division 1.4G dangerous explosive:
      (A) display operators and special effects operators who receive a license from the division in accordance with Section 53-7-223 and approval from their local licensing authority in accordance with Section 11-3-3.5; and
      (B) operators approved by the Division of Wildlife Resources or Department of Agriculture and Food to discharge agricultural and wildlife fireworks.
    (ii) Importers and wholesalers licensed under Section 53-7-224 may possess, sell, and offer to sell division 1.4G dangerous explosives.
(2) Unclassified fireworks may not be sold, or offered for sale.

Amended by Chapter 343, 2024 General Session

**53-7-223 State license for display operators, special effects operators, and flame effects operators -- Permit -- Fee -- Division duties -- Revocation.**

(1)
(a) A person may not purchase or possess display fireworks, special effects fireworks, or flame effects, or discharge any of them in public unless the person has obtained the appropriate license from the division, except under Subsection (1)(b).
(b)
(i) Subsection (1)(a) does not apply to any person who participates in a meeting, as limited under Subsection (1)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.
(ii) A meeting under Subsection (1)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.

(2) The division shall:
(a) issue an annual license to any display operator, special effects operator, or flame effects operator who:
(i) applies for the permit;
(ii) pays the fee set in accordance with Section 63J-1-504;
(iii) demonstrates proof of competence; and
(iv) certifies that the operator will comply with board rules governing placement and discharge of fireworks or flame effects;
(b) provide the licensee with a copy of the rules governing placement and discharge of fireworks or flame effects made under Section 53-7-204; and
(c) together with county and municipal officers enforce Sections 53-7-220 through 53-7-225.

(3) The division may:
(a) revoke a license issued under this section for cause;
(b) seize display and special effects fireworks, fireworks, and unclassified fireworks that are offered for sale, sold, or in the possession of an individual in violation of Sections 53-7-220 through 53-7-225;
(c) prevent or stop the use of flame effects that is unlawful or that is endangering persons or property; and
(d) create application and certification forms.

Amended by Chapter 417, 2018 General Session

**53-7-224 Licensing importers and wholesalers -- Fee.**

The division shall:
(1) annually license each importer and wholesaler of pyrotechnic devices; and
(2) charge an annual license fee set in accordance with Section 63J-1-504.

Amended by Chapter 417, 2018 General Session

**53-7-225 Times for sale and discharge of fireworks -- Criminal penalty -- Permissible closure of certain areas -- Maps and signage.**

(1) Except as provided in Section 53-7-221, this section supersedes any other code provision regarding the sale or discharge of fireworks.

(2)
(a) Except as provided in Subsection (2)(b), a person may sell a division 1.4G common state approved explosive in the state as follows:

(i) beginning on June 24 and ending on July 25;
(ii) beginning on December 29 and ending on December 31; and
(iii) two days before and on the Chinese New Year's eve.
(b) The restrictions in Subsection (2)(a) do not apply to:
(i) online sales to a person outside the state for use outside the state; or
(ii) sales to persons described in Subsection 53-7-222(1)(b)(i)(A).
(3) A person may not discharge a division 1.4G common state approved explosive in the state except as follows:
(a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:
(i) beginning on July 2 and ending on July 5; and
(ii) beginning on July 22 and ending on July 25;
(b)
(i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day; or
(ii) if New Year's eve is on a Sunday and the county or municipality determines to celebrate New Year's eve on the prior Saturday, then a person may discharge a division 1.4G common state approved explosive on that prior Saturday within the county or municipality;
(c) between the hours of 11 a.m. and 11 p.m. on January 1; and
(d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.
(4) A person is guilty of an infraction, punishable by a fine of up to $1,000, if the person discharges a division 1.4G common state approved explosive:
(a) outside the legal discharge dates and times described in Subsection (3); or
(b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).
(5)
(a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, or the state forester may not prohibit a person from discharging a division 1.4G common state approved explosive during the permitted periods described in Subsection (3).
(b)
(i) As used in this Subsection (5)(b), "negligent discharge":
(A) means the improper use and discharge of a division 1.4G common state approved explosive; and
(B) does not include the date or location of discharge or the type of explosive used.
(ii) A municipality may prohibit:
(A) the discharge of a division 1.4G common state approved explosive in certain areas with hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or
(B) the negligent discharge of a division 1.4G common state approved explosive.
(iii) A county may prohibit the negligent discharge of a division 1.4G common state approved explosive.
(c) The state forester may prohibit the discharge of a division 1.4G common state approved explosive as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.
(6) If a municipal legislative body or the state forester provides a map to a county identifying an area in which the discharge of fireworks is prohibited due to a historical hazardous environmental condition under Subsection 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:
(a) create a county-wide map, based on each map the county has received, indicating each area within the county in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b);
(b) provide the map described in Subsection (6)(a) to:

(i) each retailer that sells fireworks within the county; and
(ii) the state fire marshal; and
(c) publish the map on the county's website.
(7) A retailer that sells fireworks shall display:
(a) a sign that:
(i) is clearly visible to the general public in a prominent location near the point of sale;
(ii) indicates the legal discharge dates and times described in Subsection (3); and
(iii) indicates the criminal charge and fine associated with discharge:
(A) outside the legal dates and times described in Subsection (3); and
(B) within an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b); and
(b) the map that the county provides, in accordance with Subsection (6)(b).

Amended by Chapter 18, 2025 General Session

**53-7-225.1 Civil liability.**

(1)
(a) An individual who negligently, recklessly, or intentionally causes or spreads a fire through discharge of a division 1.4G explosive is liable for the cost of suppressing that fire and any damages the fire causes.
(b) If the individual described in Subsection (1)(a) is a minor, the parent or legal guardian having legal custody of the minor is liable for the costs and damages for which the minor is liable under this section.
(c) A court may waive part or all of the parent or guardian's liability for damages under Subsection (1)(b) if the court finds:
(i) good cause; and
(ii) that the parent or legal guardian:
(A) made a reasonable effort to supervise and direct the minor; or
(B) in the event the parent or guardian knew in advance of the negligent, reckless, or intentional conduct described in Subsection (1)(a), made a reasonable effort to restrain the minor.

(2)
(a) The conduct described in Subsection (1) includes any negligent, reckless, or intentional conduct, regardless of whether:
(i) the person discharges a division 1.4G common state approved explosive:
(A) within the permitted time periods described in Subsection 53-7-225(3); or
(B) in an area where discharge was not prohibited under Subsection 53-7-225(5)(b) or (c); or
(ii) the fire begins on:
(A) private land;
(B) land owned by the state or a political subdivision of the state;
(C) federal land; or
(D) tribal land.
(b) Discharging a division 1.4G explosive in an area in which fireworks are prohibited due to hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b), constitutes the negligent, reckless, or intentional conduct described in Subsection (1).

(3) A person who incurs costs to suppress a fire described in Subsection (1) may bring an action under this section to recover those costs against an individual described in Subsection (1).

(4) A person who suffers damage from a fire described in Subsection (1) may:

(a) bring an action under this section for those damages against an individual described in Subsection (1); and
(b) pursue all other legal remedies in addition to seeking damages under Subsection (4)(a).

Amended by Chapter 18, 2025 General Session

**53-7-225.5 Inspection and testing of automatic fire sprinkler systems -- Certification required.**

(1) Each person engaged in the inspection and testing of automatic fire sprinkler systems shall be certified by the state fire marshal.
(2) The board shall by rule prescribe an application form and standards for certification qualification and for renewal and revocation.
(3) Applicants for certification as an automatic fire sprinkler system inspector and tester shall:
(a) submit a written application on the form prescribed by the board;
(b) provide evidence of competency as required by the board; and
(c) submit the fee established under Subsection (4).
(4) The board may establish an application fee under Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

**53-7-225.6 Inspection and testing of fire alarm systems -- Certification and exceptions.**

(1)
(a) Each person, other than fire and building inspectors and electricians licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, engaged in the inspection and testing of fire alarm systems shall be certified by the state fire marshal.
(b) The board shall by administrative rule prescribe:
(i) an application form; and
(ii) standards for certification qualification and for renewal and revocation.
(2) Applicants for certification as a fire alarm system inspector and tester shall:
(a) submit a written application on the form prescribed by the board;
(b) provide evidence of competency as required by the board; and
(c) submit the fee established under Subsection (3).
(3) The board may establish an application fee under Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

**53-7-226 Violations -- Misdemeanor.**

A person is guilty of a class B misdemeanor if he:
(1) violates this part;
(2) violates any order made under this part;
(3) produces, reproduces, or uses the official seal of registration of the division in any manner or for any purpose inconsistent with the designated purpose of the seal;
(4) removes, uses, or damages service tags or other labels or markings in a manner inconsistent with the designated use of the service tag;
(5) engages in the sale, storage, or handling of division 1.4G common state approved explosives without a permit where a local government requires a permit;
(6) sells at retail, transports, possesses, or discharges division 1.4G dangerous explosives;

(7) performs or intends to perform services or induces the public to enter into any obligation relating to the performance of those services that are untrue, misleading, or reasonably known to be untrue or misleading; or
(8) builds in violation of the division's plan review or written instructions conducted on building specifications, building plans, or amendments of those specifications or plans as required under this part.

Amended by Chapter 343, 2024 General Session

## Part 3
## Liquefied Petroleum Gas Act

**53-7-301 Short title.**
This part is known as the "Liquefied Petroleum Gas Act."

Enacted by Chapter 234, 1993 General Session

**53-7-302 Definitions.**
As used in this part:
(1) "Board" means the Liquefied Petroleum Gas Board created in Section 53-7-304.
(2) "Container" means any vessel, including cylinders, tanks, portable tanks, and cargo tanks used for transporting or storing liquefied petroleum gases, except containers subject to regulation and inspection by the Department of Transportation and under federal laws or regulations.
(3) "Distributor" means any person engaged in the distribution of liquefied petroleum gas, either wholesale or retail, including a commercial carrier, as identified by the Department of Transportation or the Interstate Commerce Commission, who transports or hauls liquefied petroleum gas that is to be distributed or sold within this state.
(4) "Enforcing authority" means the division, the municipal or county fire department, another fire-prevention agency acting within its jurisdiction, or the building official of any city or county and his authorized representatives.
(5) "Final consumer" means an individual or business who is the ultimate user of LPG.
(6) "Gas appliance" means any device that uses liquefied petroleum gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.
(7) "Installer" means any person who has satisfactorily passed an examination under the supervision of the board, testing his knowledge and ability to install or properly repair domestic systems, industrial systems, liquefied petroleum gas carburetion systems, bulk plant systems, standby plant systems, or other similar systems, and who holds an installer's certificate under this part.
(8) "Licensee" means a person licensed by the board to engage in the liquefied petroleum gas business.
(9) "Liquefied petroleum gas" means any material having a vapor pressure not exceeding that allowed for commercial propane and composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane, normal butane, or isobutane, and butylene, including isomers.
(10) "Liquefied petroleum gas carburetion system" means any carburetion system using liquefied petroleum gas as a fuel in a motor vehicle.

(11) "Liquefied petroleum gas fueling system" means an assembly consisting of compressors, containers, piping, and other delivery devices for the purpose of dispensing liquefied petroleum gas for use as a fuel in a motor vehicle.
(12) "LPG" means liquefied petroleum gas.
(13) "Person" means any individual, firm, partnership, joint venture, association, corporation, estate, trust, or any other group or combination acting as a unit, and includes:
(a) a husband, wife, or both where joint benefits are derived from the operation of a business or activity subject to this part; and
(b) any state, county, municipality, or other agency engaged in a business or activity subject to this part.
(14) "Red tag" means a card or device, red in color, containing printed notice of the condemnation of a liquefied petroleum gas system as a result of a violation of this part, or any rules or orders made by the board; the tag, when attached to the system, is official notice of condemnation and of the prohibition of further use, so long as the red tag remains lawfully affixed.
(15) "System" means an assembly consisting of one or more containers with a means for conveying LPG from the container or containers to dispensing or consuming devices, either continuously or intermittently, and that incorporates components intended to achieve control of quantity, flow, and pressure or state, either liquid or vapor.

Amended by Chapter 373, 2012 General Session

**53-7-303 Exclusions from part.**

This part does not apply to any of the following:
(1) the production, refining, or manufacture of LPG;
(2) the storage, sale, or transportation of LPG by pipeline or railroad tank car by a pipeline company, producer, refiner, or manufacturer;
(3) equipment used by a pipeline company, producer, refiner, or manufacturer in a producing, refining, or manufacturing process or in the storage, sale, or transportation by pipeline or railroad tank car;
(4) any deliveries of LPG to another person at the place of production, refining, or manufacturing;
(5) underground storage facilities other than LPG containers designed for underground use;
(6) refineries, pipeline terminals, or natural gas processing plants.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-304 Liquefied Petroleum Gas Board -- Creation -- Composition -- Appointment -- Terms of officers -- Meetings -- Compensation.**

(1)
(a) There is created within the division the Liquefied Petroleum Gas Board.
(b) The board is composed of seven members:
(i) two Utah fire chiefs or marshals;
(ii) two members of the general public; and
(iii) three members who are representatives of the LPG industry.
(2) The fire chiefs or marshals and the members of the general public shall be appointed by the governor, on a nonpartisan basis.
(3) Members of the board who are representatives of the LPG industry shall have been legal residents of the state for at least one year immediately preceding the date of appointment and have been actively engaged in the LPG industry for a period of at least five years.

(4) The LPG industry representatives shall be appointed by the governor from a list of at least five but no more than the 12 nominees receiving the largest number of votes according to written ballots executed by representatives of the licensees under Subsection (7).

(5)

(a) Except as required by Subsection (5)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) Members serve from the date of appointment until a replacement is appointed.

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(7)

(a) The balloting of licensees shall be conducted by the division.

(b) For the appointments, the division shall forward to each licensee an official ballot for each staffed plant or facility held under Section 53-7-309, with instructions for executing the ballot and returning it to the division.

(c) The division shall send the official ballot and instructions described in Subsection (7)(b) by:

(i) registered or certified United States mail; or

(ii) email.

(8)

(a) The board shall elect its own chair and vice chair at its first regular meeting each calendar year.

(b) All meetings of the board shall be held on a prescribed date, at least quarterly, and at any time a majority of the board members sends a request to the board chair.

(c) A majority of the members of the board is a quorum for the transaction of business.

(9) 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.

Amended by Chapter 101, 2015 General Session

**53-7-305 Board rulemaking -- Notice.**

(1)

(a) The board shall make rules as reasonably necessary for the protection of the health, welfare, and safety of the public and persons using LPG.

(b) The rules shall be in substantial conformity with the generally accepted standards of safety concerning LPG, and shall include the following conditions:

(i) the rules relating to safety in the storage, distribution, dispensing, transporting, and use of LPG in this state and in the manufacture, fabrication, assembly, sale, installation, and use of LPG systems, containers, apparatus, or appliances shall be reasonable; and

(ii) the rules shall conform as nearly as possible to the standards of the National Fire Protection Association, relating to the design, construction, installation, and use of systems, containers, apparatus, appliances, and pertinent equipment for the storage, transportation, dispensation, and use of LPG.

(2) The board may make rules:

(a) setting minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, or using LPG;
(b) specifying the odorization of the gases and the degree of odorization;
(c) governing LPG distributors and installers and the installation of LPG systems, carburetion systems, and fueling systems; and
(d) prescribing maximum container removal rates.
(3)
(a) When a proposed rule is filed, the board shall give at least 10 days' notice to all license applicants and licensees under this chapter by sending a notice of the proposed new, revised, or amended rule together with a notice of hearing to the licensee's current address on file with the board.
(b) Any person affected by rulemaking under this part may submit comment, in a format prescribed by the board, on the rule.
(c) A certificate citing the adoption and the effective date of a rule shall be signed by the members comprising a majority of the board.
(d) Within 10 days after the adoption of the rule, the board shall send to each license applicant or licensee, at his current address on file, a notice of the adoption of the rule, including its effective date.
(e) A facsimile of any member's signature may be used under this section if authorized by the member.

Amended by Chapter 25, 2001 General Session

**53-7-306 Duties and powers of the board -- Fee setting.**
(1) The board shall monitor rates charged in the industry for container removal.
(2) The board may:
(a) set civil penalties for violation of any rule or order made under this part;
(b) in conducting hearings on the issuance or revocation of any license:
(i) compel the attendance of witnesses by subpoena;
(ii) require the production of any records or documents determined by it to be pertinent to the subject matter of the hearing; and
(iii) apply to the district court of the county where the hearing is held for an order citing any applicant or witness for contempt, and for failure to attend, testify, or produce required documents;
(c) suspend or revoke licenses and refuse renewals of licenses if the applicant or licensee has been guilty of conduct harmful to either the safety or protection of the public;
(d) adopt bylaws for its procedures and methods of operation; and
(e) at the request of the enforcing authority, grant exceptions from its rules to accommodate local needs as it determines to be in the best interest of public safety or the persons using LPG materials or services.
(3) The board shall, in accordance with Section 53-7-314, establish fees to cover the cost of administering this section.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-307 Duties of the division.**
The division shall:

(1) prescribe the method and form to apply for, or renew, a LPG license or certificate, with the approval of the board;
(2) investigate the experience, reputation, and background of applicants and persons who hold a license or certificate and who are applying for renewal;
(3) recommend to the board issuing, renewing, suspending, revoking, and denying licenses or certificates;
(4) assist the board in conducting hearings in connection with the applications for, renewal of, suspension of, or revocation of, licenses or certificates;
(5) submit to the governor a biennial report before September 1 of each even-numbered year, covering the board's transactions during the biennium ending June 30 of that year, including a complete statement of the receipts and expenditures of the board during that period;
(6) keep accurate records and minutes of all meetings, which shall be open to public inspection at all reasonable times, and keep a public record of all applications for licenses and licenses issued by the board;
(7) conduct examinations of every license applicant to determine the responsibility, ability, knowledge, experience, or other qualifications of the applicant for a license;
(8) require competency testing for all employees and subcontractors of licensees engaged in transporting or dispensing LPG or installing, servicing, or repairing an LPG fueling or carburetion system under this part;
(9) prepare applications, collect fees, and issue licenses for any facility that handles LPG;
(10) provide for or direct the inspection of the site of any facility that stores, dispenses, services, or handles LPG;
(11) provide inspections to any facility where a qualified authority does not exist; and
(12) prepare and administer examinations, collect fees, and issue LPG certificates to personnel who handle or work with LPG.

Amended by Chapter 247, 2013 General Session

**53-7-308 Licenses and certificates.**

A person may not engage in any of the following activities related to LPG unless the person has obtained an authorizing license or certification from the board:
(1) container activities, including the manufacture, assembly, repair, sale, installation, or subframing of containers for use in this state, except that a license is not required for the sale of new containers of 96 pounds water capacity or less;
(2) systems activities, including:
  (a) the installation, service, or repair of LPG systems for use in this state; and
  (b) laying or connecting of pipes and fittings connecting with or to systems or servicing a system and appliances to be used with LPG as a fuel;
(3) appliance activities, including the service, installation, or repair of appliances used or to be used in this state in connection with systems using LPG as a fuel; or
(4) product activities, including the sale, transportation, dispensation, or storage of LPG in this state, except that a license or certification is not required for a person:
  (a) who sells LPG but does not obtain possessory rights to the product sold; or
  (b) when the product is stored, transferred, or used by the final consumer.

Amended by Chapter 373, 2012 General Session

**53-7-309 Classification of applicants and licensees.**

(1) To administer this part, the board shall classify all applicants and licensees as follows:
(a) Class 1: a licensed dealer who:
(i) is engaged in the business of installing gas appliances or systems for the use of LPG;
(ii) sells, fills, refills, delivers, or is permitted to deliver any LPG; or
(iii) is involved under both Subsections (1)(a)(i) and (ii).
(b) Class 2: a business engaged in the sale, transportation, and exchange of cylinders, or engaged in more than one of these, but not transporting or transferring gas in liquid.
(c) Class 3: a business not engaged in the sale of LPG, but engaged in the sale and installation of gas appliances or LPG systems.
(d) Class 4: those businesses not specifically within classification 1, 2, or 3 may at the discretion of the board be issued special licenses.
(2)
(a) Any license granted under this section entitles the licensee to operate a staffed plant or facility consistent with the license at one location, which is stated in the license, under Section 53-7-310.
(b) For each additional staffed plant or facility owned or operated by the licensee, the licensee shall register the additional location with the board and pay an additional annual fee, to be set in accordance with Section 53-7-314.

Amended by Chapter 324, 2010 General Session

**53-7-310 License specifications and limits.**
(1)
(a) A license issued under this part shall state the name of the person or persons to whom it is issued.
(b) The license shall specify the location, by street and number, of the premises for which it is issued and the particular classification of the license authorizing the type of staffed plant or facility to be conducted.
(c) The registration of additional staffed plants or facilities, under Subsection 53-7-309(2), shall specify the location, by street and number, of the premises for which it is issued and the particular classification of the license authorizing the type of business to be conducted.
(2)
(a) Any license issued under this part is not transferable by the licensee or licensees to any other person, firm, association, partnership, or corporation, and is valid only for the particular premises and particular persons described on the license.
(b) If there is any transfer or change in the ownership, the change shall be reported to the board within 30 days.
(c) A license or registration fee paid under this part may not be refunded when any license issued is no longer valid because of:
(i) a voluntary transfer of any nature;
(ii) revocation under this part;
(iii) death of the holder;
(iv) insolvency;
(v) assignment for the benefit of creditors; or
(vi) for any other reason determined by rule of the board.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-311 Certification of licensees for certain activities.**

(1) A person that transports or dispenses LPG or that installs, repairs, or services appliances, containers, equipment, systems, or piping for the use of LPG shall be certified by the division by passing an appropriate examination based on the safety requirements of the board.

(2)

(a) A trainee employee is exempt from this examination for 45 working days, and until examined by a representative of the board. A trainee employee, during the 45-day period, shall be supervised by a qualified instructor.

(b) Any LPG licensee hiring a trainee shall, within 20 days of the commencement of employment, notify the board, so that an examination may be scheduled. If the trainee fails to pass the examination, the trainee may retake it after additional instruction. Prior to retaking the exam, the trainee shall again be supervised by a qualified instructor.

(3)

(a) The board shall establish a reasonable fee in accordance with Section 53-7-314 to cover the costs of administering the examination.

(b) All examinations shall be administered by the division.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-312 Division approval of certain storage system plans -- Procedure.**

(1)

(a) The complete plans and specifications for all systems involving the storage of more than 5,000 water gallons of LPG shall be submitted to the division by a person licensed under this part, and receive approval by the division before installation is started. The plans shall be drawn to scale and contain sufficient detail and clarity as necessary to indicate the nature and character of the proposed system and its compliance with this part.

(b) Two copies of the plans shall be submitted to the division and one copy shall be returned to the applicant with approval or disapproval indicated on it.

(2)

(a) For dispensing systems for 5,000 water gallons or less of LPG, a detailed sketch or plan shall be submitted to the division by a person licensed under this part, and receive approval by the division before installation is started.

(b) Two copies of the plans shall be submitted to the division and one copy shall be returned to the applicant with approval or disapproval indicated on it.

Amended by Chapter 14, 1995 General Session

**53-7-313 Removal of LPG containers -- Reasonableness of rates.**

(1) Rates charged for removal of leased LPG containers shall be reasonable.

(2) The lessor of an LPG container shall credit the lessee's account the current retail price for the amount of LPG remaining in the leased container at the time the container is removed.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-7-314 Fees -- Setting -- Deposit -- Use.**

(1) The board shall establish fees authorized in this part in accordance with the procedures specified in Section 63J-1-504, but the fees shall be deposited as provided in Subsection (2).

(2) Fees collected by the division under this part, shall be deposited with the state treasurer as a dedicated credit, to be used for the implementation of this part.

Amended by Chapter 391, 2010 General Session

**53-7-315 Enforcement of part and rules.**

(1) Except as provided in Subsection (6), this part, the rules made under it, and orders issued by the board are enforced by:
  (a) the enforcing authority, unless otherwise provided by the board; and
  (b) the board.
(2)
  (a) A person who knowingly violates or fails to comply with this part is guilty of a class B misdemeanor and is punishable by a fine of not less than $50 nor more than $500.
  (b) A person previously convicted under Subsection (2)(a) who knowingly violates or fails to comply with this part is guilty of a class B misdemeanor and is punishable by a fine of not less than $200 nor more than $2,000.
  (c) Each day the violation or failure to comply continues constitutes a separate offense.
(3) The enforcing authority may enter the premises of a licensee under this part, or any building or other premises open to the public, at any reasonable time, for the purpose of determining and verifying compliance with this part and the rules and orders of the board.
(4) An enforcing authority may declare any container, appliance, equipment, transport, or system that does not conform to the safety requirements of this part or the rules or orders of the board, or that is otherwise defective, as unsafe or dangerous for LPG service, and shall attach a red tag in a conspicuous location.
(5)
  (a) A person who knowingly sells, furnishes, delivers, or supplies LPG for storage in, or use or consumption by, or through, a container, appliance, transport, or system to which a red tag is attached is guilty of a class B misdemeanor punishable by a fine of not less than $100 and not more than $2,000.
  (b) Liquefied petroleum gas shall be removed from a container to which a red tag is attached only as provided by rules made by the board.
  (c) An unauthorized person who knowingly removes, destroys, or in any way obliterates a red tag attached to a container, appliance, transport, or system is guilty of a class B misdemeanor punishable by a fine of not less than $50 and not more than $2,000.
  (d) The enforcing authority may establish and collect a fee for any services or inspections required by this part, the rules made under it, and orders issued by the board. The fee shall be reasonable and may not exceed the amount of the cost of service or inspection provided. Fees collected under this subsection may be retained by the enforcing authority, and shall be applied to the expenses of providing these services.
(6)
  (a) Except as provided in Subsection (6)(c), a person who fills a leased container in violation of the terms of a written lease is liable in an action by the container lessor for the greater of:
    (i) the actual damages to the container lessor, including incidental and consequential damages and attorneys' fees; or
    (ii) $500 for each violation.
  (b)
    (i) The burden of ascertaining the terms of a written lease for purposes of Subsection (6)(a) is on the person filling the container.

(ii) A person has ascertained the terms of a written lease if he has:
(A) read the lease;
(B) received the assurance of the container owner that the lease does not prohibit the person from filling the container;
(C) obtained a signed, written statement from the lessee that the written lease does not prohibit the person from filling the container; or
(D) the leased container is clearly labelled as a container subject to lease terms prohibiting the filling of the container without the lessor's permission.
(c) If a lessee or lessor misrepresents his ownership or the terms of his written lease under Subsection (6)(b), the lessee or lessor who made the misrepresentation, and not the person filling the tank, is liable for the damages under Subsection (6)(a).
(7) If a written container lease entered into after May 1, 1992, restricts the right to fill a leased container, the restriction shall be plainly stated in the lease in any manner designed to draw the attention of the lessee to the lease provision, including:
(a) typing the restriction in at least two point larger type than the majority of the document type;
(b) underlining the restriction; or
(c) typing the restriction in boldface type.
(8) A lessor whose container lease does not comply with Subsection (7) is disqualified from protection under Subsection (6).

Amended by Chapter 324, 2010 General Session

**53-7-316 Effect of part on state and local provision.**
(1) This part supersedes all other conflicting state laws or rules concerning LPG as regulated under this part.
(2) A municipality or other political subdivision may not adopt or enforce any ordinance or rule in conflict with this part, or with the rules made under this part.

Renumbered and Amended by Chapter 234, 1993 General Session

## Part 4
## The Reduced Cigarette Ignition Propensity and Firefighter Protection Act

**53-7-401 Title.**
This part is known as the "The Reduced Cigarette Ignition Propensity and Firefighter Protection Act."

Enacted by Chapter 362, 2007 General Session

**53-7-402 Definitions.**
As used in this part:
(1) "Agent" means any person authorized by the State Tax Commission to purchase and affix stamps on packages of cigarettes.
(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other

ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(3) "Manufacturer" means:

(a) any entity which:

(i) manufactures or otherwise produces cigarettes to be sold in the state;

(ii) causes cigarettes to be manufactured or produced anywhere with the intent to sell in the state; or

(iii) manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced with the intent to sell in the United States through an importer;

(b) the first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

(c) any entity that becomes a successor of an entity described in Subsection (3)(a) or (3)(b).

(4) "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic, and nonsystematic methodological errors, and equipment related problems do not affect the results of the testing. Such a program ensures that the testing repeatability remains within the required repeatability values stated in Subsection 53-7-403(2)(f) for all test trials used to certify cigarettes in accordance with this part.

(5) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95% of the time.

(6) "Retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.

(7) "Sale":

(a) means any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatever or any agreement therefore; and

(b) includes, in addition to cash and credit sales, the giving of cigarettes as samples, prizes, or gifts, and the exchanging of cigarettes for any consideration other than money.

(8) "Sell" means to sell, or to offer or agree to sell.

(9) "Wholesale dealer" means:

(a) any person who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale; and

(b) any person who owns, operates, or maintains one or more cigarette or tobacco product vending machines in, at, or upon premises owned or occupied by any other person.

Enacted by Chapter 362, 2007 General Session

**53-7-403 Test method and performance standard.**

(1) Except as provided in Subsection (8), no cigarettes may be sold or offered for sale in this state or offered for sale or sold to persons located in this state unless:

(a) the cigarettes have been tested in accordance with the test method required by this section;

(b) the cigarettes meet the performance standard specified in this section;

(c) a written certification has been filed by the manufacturer with the state fire marshal in accordance with Section 53-7-404; and

(d) the cigarettes have been marked in accordance with Section 53-7-405.

(2)

(a) Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials ("ASTM") standard E2187-04, "Standard Test Method for Measuring the Ignition Strength of Cigarettes."

(b) Testing shall be conducted on 10 layers of filter paper.
(c) No more than 25% of the cigarettes tested in a test trial in accordance with this section shall exhibit full-length burns. Forty replicate tests shall comprise a complete test trial for each cigarette tested.
(d) The performance standard required by this section shall only be applied to a complete test trial.
(e) Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization ("ISO"), or other comparable accreditation standard required by the state fire marshal.
(f) Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.
(g) This section does not require additional testing if cigarettes are tested consistent with this part for any other purpose.
(h) Testing performed or sponsored by the state fire marshal to determine a cigarette's compliance with the performance standard required shall be conducted in accordance with this section.

(3) Each cigarette listed in a certification submitted pursuant to Section 53-7-404 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least two nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least two bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column, or 10 millimeters from the labeled end of the tobacco column for nonfiltered cigarettes.

(4) A manufacturer of a cigarette that the state fire marshal determines cannot be tested in accordance with the test method prescribed in Subsection (2)(a) shall propose a test method and performance standard for the cigarette to the state fire marshal. Upon approval of the proposed test method and a determination by the state fire marshal that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in Subsection (2)(c), the manufacturer may employ such test method and performance standard to certify such cigarette pursuant to Section 53-7-404. If the state fire marshal determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this part, and the state fire marshal finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section, then the state fire marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this state, unless the state fire marshal demonstrates a reasonable basis why the alternative test should not be accepted under this part. All other applicable requirements of this section shall apply to the manufacturer.

(5) Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years, and shall make copies of these reports available to the state fire marshal and the attorney general upon written request. Any manufacturer who fails to make copies of these reports available within 60 days of receiving a written request shall

be subject to a civil penalty not to exceed $10,000 for each day after the sixtieth day that the manufacturer does not make the copies available.

(6) The state fire marshal may adopt a subsequent ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes upon a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04 and the performance standard in Subsection (2)(c).

(7) The state fire marshal shall review the effectiveness of this section and report every three years to the Legislature the state fire marshal's findings and, if appropriate, recommendations for legislation to improve the effectiveness of this section. The report and legislative recommendations shall be submitted no later than November 1, 2011 and every November 1 of each three-year period thereafter.

(8) The requirements of Subsection (1) shall not prohibit wholesale or retail dealers from selling their existing inventory of cigarettes on or after July 1, 2008 if the wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes prior to July 1, 2008, and if the wholesale or retail dealer can establish that the inventory was purchased prior to July 1, 2008 in comparable quantity to the inventory purchased during the same period of the prior year.

(9) This part shall be implemented in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes.

Enacted by Chapter 362, 2007 General Session

**53-7-404 Certification and product change -- Restricted account created.**

(1) Each manufacturer shall submit to the state fire marshal a written certification attesting that:
  (a) each cigarette listed in the certification has been tested in accordance with Section 53-7-403; and
  (b) each cigarette listed in the certification meets the performance standard set forth in Subsection 53-7-403(2)(c).

(2) Each cigarette listed in the certification shall be described with the following information:
  (a) brand, or trade name on the package;
  (b) style, such as light or ultra light;
  (c) length in millimeters;
  (d) circumference in millimeters;
  (e) flavor, such as menthol or chocolate, if applicable;
  (f) filter or nonfilter;
  (g) package description, such as soft pack or box;
  (h) marking approved in accordance with Section 53-7-405;
  (i) the name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
  (j) the date that the testing occurred.

(3) The certifications shall be made available to the attorney general for purposes consistent with this part and the State Tax Commission for the purposes of ensuring compliance with this section.

(4) Each cigarette certified under this section shall be recertified every three years.

(5) For each cigarette listed in a certification, a manufacturer shall pay to the state fire marshal a $250 fee. The state fire marshal is authorized to annually adjust this fee to ensure it defrays the actual costs of the processing, testing, enforcement, and oversight activities required by this part.

(6)
(a) Beginning July 1, 2008, there is created a restricted account within the General Fund called the "Reduced Cigarette Ignition Propensity and Firefighter Protection Act Enforcement Account."
(b) The account created in Subsection (6)(a) shall consist of all certification fees submitted by manufacturers.
(c)
(i) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.
(ii) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
(d) Upon appropriations from the Legislature, money from the account created in Subsection (6)(a) shall be used by the state fire marshal solely to support processing, testing, enforcement, and oversight activities under this part.
(7)
(a) If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to the certified cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this part, that cigarette shall not be sold or offered for sale in this state until the manufacturer:
(i) retests the cigarette in accordance with the testing standards set forth in Section 53-7-403; and
(ii) maintains records of that retesting as required by Section 53-7-403.
(b) Any altered cigarette which does not meet the performance standard set forth in Section 53-7-403 may not be sold in this state.

Amended by Chapter 216, 2008 General Session

**53-7-405 Marking of cigarette packaging.**
(1) Cigarettes that are certified by a manufacturer in accordance with Section 53-7-404 shall be marked to indicate compliance with the requirements of Section 53-7-403. The marking shall be in eight-point type or larger and consist of:
(a) modification of the product UPC code to include a visible mark printed at or around the area of the UPC code, which may include alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed in conjunction with the UPC;
(b) any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, or embossed upon the cigarette package or cellophane wrap; or
(c) printed, stamped, engraved, or embossed text that indicates that the cigarettes meet the standards of this part.
(2) A manufacturer shall use only one marking, and shall apply this marking uniformly for all packages marketed by the manufacturer, including:
(a) packs;
(b) cartons;
(c) cases; and
(d) any brands marketed by that manufacturer.
(3) The manufacturer shall notify the state fire marshal of the marking that it has selected in accordance with Subsection (2).
(4) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the state fire marshal for approval. Upon receipt of the request, the state fire marshal shall

approve or disapprove the marking offered, except that the state fire marshal shall approve any marking in use and approved for sale in New York pursuant to the New York Fire Safety Standards for Cigarettes. Proposed markings shall be considered approved if the state fire marshal fails to act within 10 business days of receiving a request for approval.

(5) No manufacturer shall modify its approved marking unless the modification has been approved by the state fire marshal in accordance with this section.

(6)

(a) Manufacturers certifying cigarettes in accordance with Section 53-7-404 shall provide:

(i) a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes; and

(ii) sufficient copies of an illustration of the package marking utilized by the manufacturer pursuant to this section for each retail dealer to which the wholesale dealers or agents sell cigarettes.

(b) Wholesale dealers and agents shall provide a copy of the package markings received from manufacturers under Subsection (6)(a) to all retail dealers to which they sell cigarettes.

(c) Wholesale dealers, agents, and retail dealers shall permit the state fire marshal, the State Tax Commission, the attorney general, and their employees to inspect markings of cigarette packaging marked in accordance with this section.

Enacted by Chapter 362, 2007 General Session

**53-7-406 Penalties.**

(1)

(a) Except as provided in Subsection (1)(b), a manufacturer, wholesale dealer, agent, or any other person or entity who knowingly sells or offers to sell cigarettes, other than through retail sale, in violation of Section 53-7-403:

(i) for a first offense shall be liable for a civil penalty not to exceed $10,000 per each sale of cigarettes; and

(ii) for a subsequent offense shall be liable for a civil penalty not to exceed $25,000 per each sale of such cigarettes.

(b) A penalty imposed under Subsection (1)(a) may not exceed $100,000 during any 30-day period against any one entity described in Subsection (1).

(2)

(a) Except as provided in Subsection (2)(b), a retail dealer who knowingly sells cigarettes in violation of Section 53-7-403 shall:

(i) for a first offense for each sale or offer for sale of cigarettes, if the total number of cigarettes sold or offered for sale:

(A) does not exceed 1,000 cigarettes, be liable for a civil penalty not to exceed $500 for each sale or offer of sale; and

(B) does exceed 1,000 cigarettes, be liable for a civil penalty not to exceed $1,000 for each sale or offer of sale; and

(ii) for a subsequent offense, if the total number of cigarettes sold or offered for sale:

(A) does not exceed 1,000 cigarettes, be liable for a civil penalty not to exceed $2,000 for each sale or offer of sale; and

(B) does exceed 1,000 cigarettes, be liable for a civil penalty not to exceed $5,000 for each sale or offer of sale.

(b) A penalty imposed under Subsection (2)(a) against any retail dealer shall not exceed $25,000 during a 30-day period.

(3) In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership, or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to Section 53-7-404 shall, for each false certification:
  (a) for a first offense, be liable for a civil penalty of at least $75,000; and
  (b) for a subsequent offense, be liable for a civil penalty not to exceed $250,000.
(4) Any person violating any other provision in this part shall be liable for a civil penalty for each violation:
  (a) for a first offense, not to exceed $1,000; and
  (b) for a subsequent offense, not to exceed $5,000.
(5)
  (a) In addition to any other remedy provided by law, the state fire marshal or attorney general may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, for a violation of this part, including petitioning for injunctive relief or to recover any costs or damages suffered by the state because of a violation of this part, including enforcement costs relating to the specific violation and attorney fees.
  (b) Each violation of this part or of rules or regulations adopted under this part constitutes a separate civil violation for which the state fire marshal or attorney general may obtain relief.

Amended by Chapter 158, 2024 General Session

**53-7-407 Implementation -- Effect of part on Model Tobacco Settlement Act and Tobacco Tax and Licensing Act.**

(1) The state fire marshal may promulgate rules and regulations, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to effectuate the purposes of this part.
(2) The State Tax Commission in the regular course of conducting inspections of wholesale dealers, agents, and retail dealers, as authorized under Title 59, Chapter 14, Cigarette and Tobacco Tax and Licensing Act, may inspect cigarettes to determine if the cigarettes are marked as required by Section 53-7-405. If the cigarettes are not marked as required, the State Tax Commission shall notify the state fire marshal.
(3) Nothing in this part shall affect an entity's obligations pursuant to:
  (a) Title 59, Chapter 14, Cigarette and Tobacco Tax and Licensing Act; or
  (b) Title 59, Chapter 22, Model Tobacco Settlement Act.

Amended by Chapter 382, 2008 General Session

**53-7-408 Inspection.**

To enforce the provisions of this part, the attorney general and the state fire marshal are hereby authorized to examine the books, papers, invoices, and other records of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person in the possession, control, or occupancy of any premises where cigarettes are placed, sold, or offered for sale, is hereby directed and required to give the attorney general and the state fire marshal the means, facilities, and opportunity for the examinations authorized by this section.

Enacted by Chapter 362, 2007 General Session

**53-7-409 Sale outside of Utah.**

Nothing in this part shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of Section 53-7-403 if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in this state.

Enacted by Chapter 362, 2007 General Session

**53-7-410 Preemption.**

This part shall be repealed if a federal reduced cigarette ignition propensity standard that preempts this part is adopted and becomes effective.

Enacted by Chapter 362, 2007 General Session

**53-7-411 Local regulation.**

Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance or other local law or regulation conflicting with, or preempted by, any provision of this part or with any policy of this state expressed by this part, whether that policy be expressed by inclusion of a provision in this part or by exclusion of that subject from this part.

Enacted by Chapter 362, 2007 General Session

## Part 5
## Regulation of Novelty Lighters

**53-7-501 Title.**

This part is known as "Regulation of Novelty Lighters."

Enacted by Chapter 376, 2010 General Session

**53-7-502 Definitions.**

As used in this part:

(1) "Audio effect" includes music, animal sounds, whistles, buzzers, or other noises not pertinent to the flame-producing function of the lighter.

(2)

(a) "Distribute" means to:

(i) deliver to a person other than the purchaser; or

(ii) provide as part of a commercial promotion or as a prize or premium.

(b) "Distribute" does not include providing as a personal gift.

(3) "Importer" means a person who causes a lighter to enter this state from a manufacturing, wholesale, distribution, or retail sales point outside this state:

(a) for the purpose of selling or distributing the lighter within this state; or

(b) with the result that the lighter is sold or distributed within this state.

(4) "Lighter" means a handheld mechanical device of a type typically used for igniting tobacco products by use of a flame.

(5) "Misleading design" means a lighter that:

(a) has a shape that resembles or imitates an object other than a lighter;
(b) may have one or more audio or visual effects; and
(c) has other features of a type that would reasonably be expected to make the lighter appealing or attractive to a child younger than 10 years of age.
(6) "Novelty lighter":
(a) means a lighter that has:
(i) a misleading design; and
(ii) operates on any fuel, including butane or liquid fuel;
(b) does not mean:
(i) a lighter manufactured before January 1, 1980;
(ii) a lighter that has been rendered permanently incapable of producing a flame or otherwise causing combustion; or
(iii) a mechanical device primarily used to ignite fuel for fireplaces, or for charcoal or gas grills.
(7) "Sell" means to provide or promise to provide a product to a wholesale, retail, mail-order, or other purchaser in exchange for consideration.
(8) "Visual effect":
(a) includes flashing lights, color-changing lights, or changing images; and
(b) does not include logos, decals, decorative artwork, or heat-shrinkable sleeves.

Enacted by Chapter 376, 2010 General Session

**53-7-503 Rulemaking authority -- Publicly accessible list of contraband lighters maintained by the state fire marshal -- Authority to seize and destroy novelty lighters.**
(1) The Utah Fire Prevention Board, created in Section 53-7-203, may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) identify lighters or classes or types of lighters that are novelty lighters; and
(b) provide for an informal adjudicative hearing, as provided in Section 63G-4-203, by the board to hear appeals of decisions of the State Fire Marshal Division under this part.
(2)
(a) The state fire marshal shall establish and maintain a list of lighters, or classes and types of lighters, that the state fire marshal has determined to be novelty lighters under this part.
(b) The state fire marshal shall make the list available on the website maintained by the Department of Public Safety.
(3) A lighter is a contraband item subject to seizure and destruction by the state fire marshal, a representative of the state fire marshal, a local fire enforcement official, or by a law enforcement agency, if the lighter is:
(a) listed, or of a class or type listed, by the state fire marshal as a novelty lighter; and
(b) offered for sale, sold, or distributed in this state.
(4)
(a) The state fire marshal, a representative of the state fire marshal, a local fire enforcement official, or a law enforcement agency may seize a novelty lighter that is not described in Subsection (3).
(b) Upon finding that the person from whom the novelty lighter was seized is subject to a civil penalty under Section 53-7-504 for being an importer, wholesaler, seller, or distributor of the novelty lighter, the state fire marshal or a representative may order that the novelty lighter be forfeited and destroyed.

Enacted by Chapter 376, 2010 General Session

**53-7-504 Offenses -- Civil penalties -- Penalty money to be deposited into the Fire Prevention Support Account.**

(1)
(a) A person may not sell, offer for sale, or distribute a novelty lighter in this state.
(b) A person may not import a novelty lighter into this state for the purpose of selling or distributing the novelty lighter within this state.
(c) A person may not possess a novelty lighter in inventory for the purpose of selling or distributing the novelty lighter within this state.

(2)
(a) The state fire marshal may assess a civil penalty against a person who violates Subsection (1) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(b) The civil penalty for a violation of Subsection (1) may not exceed:
(i) $10,000 for the importation of novelty lighters;
(ii) $1,000 if the person acts as a wholesaler of novelty lighters or distributes novelty lighters by means other than distribution directly to consumers; and
(iii) $500 if the person is:
(A) a retail seller of novelty lighters; or
(B) a person distributing novelty lighters, other than as a manufacturer, importer, or wholesaler.

(3) If a person continues to violate this section after the state fire marshal gives the person written notice of a violation, each day that the violation continues after written notice is given is a separate offense subject to a civil penalty.

(4)
(a) For purposes of imposing civil penalties, it is prima facie evidence that a lighter is a novelty lighter if the lighter is listed by the state fire marshal as a novelty lighter under Section 53-7-503, or is of a class or type of lighter listed by the state fire marshal as a novelty lighter.
(b) Listing by the state fire marshal is not a requirement for a determination that a lighter is a novelty lighter.

(5) All money collected from civil penalties under this section shall be deposited into the Fire Prevention Support Account created in Section 53-7-204.2.

(6) A person may seek judicial review of a final agency action under this part as provided in Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 403, 2020 General Session

**53-7-505 Authority to have reasonable access to inspect facilities and records.**

(1) The state fire marshal, a representative of the state fire marshal, or a local fire enforcement official may conduct inspections to ensure compliance with Section 53-7-504. The state fire marshal, a representative of the state fire marshal, or a local fire enforcement official may, regarding facilities within this state used in the business of importing, distributing, selling, or storing of lighters:
(a) have access during reasonable business hours;
(b) inspect the facilities and any lighters located at the facilities; and
(c) inspect all business records pertaining to lighter import, distribution, sale, or storage.

(2) A person engaged in this state in the business of importing, distributing, selling, or storing lighters shall grant the state fire marshal, a representative of the state fire marshal, or a local fire enforcement official reasonable access for conducting inspections under Subsection (1).

Enacted by Chapter 376, 2010 General Session

**53-7-506 Attorney general may bring action at request of the state fire marshal.**

The state attorney general may bring an action at the request of the state fire marshal, in the name of the state, seeking:

(1) injunctive relief to prevent or end a violation of Section 53-7-504 or 53-7-505;
(2) to recover civil penalties imposed under Section 53-7-504;
(3) to obtain access for inspections under Section 53-7-505; or
(4) to recover attorney fees and other enforcement costs.

Enacted by Chapter 376, 2010 General Session

# Chapter 8
# Utah Highway Patrol Act

## Part 1
## Utah Highway Patrol Division Administration

**53-8-101 Short title.**

This chapter is known as the "Utah Highway Patrol Act."

Enacted by Chapter 234, 1993 General Session

**53-8-102 Definitions.**

As used in this chapter:

(1) "Division" means the Utah Highway Patrol Division created in Section 53-8-103.
(2) "Highway Patrol" means the Highway Patrol troopers employed under Section 53-8-104.
(3) "Superintendent" means the director of the division, appointed under Section 53-8-103.

Enacted by Chapter 234, 1993 General Session

**53-8-103 Utah Highway Patrol Division -- Creation -- Appointment of superintendent -- Powers -- Qualifications -- Term -- Compensation.**

(1) There is created the Utah Highway Patrol Division.
(2) The director of the division shall be the superintendent appointed by the commissioner with the approval of the governor.
(3) The superintendent is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner.
(4) The superintendent acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.
(5) The superintendent shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-8-104 Superintendent's duties.**

The superintendent shall:

(1) divide the state highways into sections for the purpose of patrolling and policing;

(2) employ peace officers known as highway patrol troopers to patrol or police the highways within this state and to enforce the state statutes as required;

(3) establish ranks, grades, and positions in the Highway Patrol and designate the authority and responsibility in each rank, grade, and position;

(4) establish for the Highway Patrol standards and qualifications and fix prerequisites of training, education, and experience for each rank, grade, and position;

(5) appoint personnel to each rank, grade, and position necessary for the efficient operation and administration of the Highway Patrol;

(6) devise and administer examinations designed to test applicants for positions with the Highway Patrol;

(7) make rules governing the Highway Patrol as appear to the superintendent advisable;

(8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for cause;

(9) prescribe the uniforms to be worn and the equipment to be used by employees of the Highway Patrol;

(10) charge against each employee of the Highway Patrol the value of any property of the state lost or destroyed through the carelessness of the employee;

(11) establish, with the approval of the Division of Finance, the terms and conditions under which expense allowance should be paid to any employee of the Highway Patrol while away from his station;

(12) station the Highway Patrol in localities as he finds advisable for the enforcement of the laws of this state;

(13) conduct in conjunction with the State Board of Education in and through all state schools an educational campaign in highway safety and work in conjunction with civic organizations, churches, local units of government, and other organizations that may function in accomplishing the purposes of reducing highway accidents;

(14) provide the initial mandatory uniform items for each new trooper hired after July 1, 1998;

(15) determine by rule a basic uniform allowance system which includes the manner in which troopers may receive maintenance services and vouchers for basic uniforms and administer any funds appropriated by the Legislature to the division for that purpose; and

(16) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender.

Amended by Chapter 219, 2002 General Session

**53-8-105 Duties of Highway Patrol.**

(1) In addition to the duties in this chapter, the Highway Patrol shall:

(a) enforce the state laws and rules governing use of the state highways;

(b) regulate traffic on all highways and roads of the state;

(c) assist the governor in an emergency or at other times at his discretion;

(d) in cooperation with federal, state, and local agencies, enforce and assist in the enforcement of all state and federal laws related to the operation of a motor carrier on a highway, including all state and federal rules and regulations;

(e) inspect certain vehicles to determine road worthiness and safe condition as provided in Section 41-6a-1630;
(f) upon request, assist with any condition of unrest existing or developing on a campus or related facility of an institution of higher education;
(g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the state liquor laws;
(h) provide security and protection for both houses of the Legislature while in session as the speaker of the House of Representatives and the president of the Senate find necessary;
(i) enforce the state laws and rules governing use of capitol hill; and
(j) carry out the following for the Supreme Court and the Court of Appeals:
(i) provide security and protection to those courts when in session in the capital city of the state;
(ii) execute orders issued by the courts; and
(iii) carry out duties as directed by the courts.

(2)
(a) The division and the department shall annually:
(i) evaluate the inventory of new and existing state highways, in coordination with relevant local law enforcement agencies, to determine which law enforcement agency is best suited to patrol and enforce state laws and regulate traffic on each state highway; and
(ii) before October 1 of each year, report to the Transportation Interim Committee and the Criminal Justice Appropriations Subcommittee regarding:
(A) significant changes to the patrol and enforcement responsibilities resulting from the evaluation described in Subsection (2)(a)(i); and
(B) any budget request necessary to accommodate additional patrol and enforcement responsibilities.
(b) The division and the department shall, before July 1 of each year, coordinate with the Department of Transportation created in Section 72-1-201 regarding patrol and enforcement responsibilities described in Subsection (2)(a) and incident management services on state highways.

(3)
(a) A district court and a justice court shall collect and maintain data regarding violations in Sections 41-6a-1712, 41-6a-1713, and 72-7-409.
(b) Each court shall transmit dispositions described in Subsection (3)(a) electronically to the department.

Amended by Chapter 271, 2025 General Session
Amended by Chapter 393, 2025 General Session

**53-8-106 Vested with powers of peace officers.**

(1) The commissioner, superintendent, and each member of the Highway Patrol have the powers of peace officers in each county of the state with the exception of the power to serve civil process.
(2) They may serve criminal process, arrest and prosecute violators of any law of this state, and have the same right as other peace officers to require aid in executing their duties.
(3) The powers and duties conferred upon the superintendent and members of the Highway Patrol are supplementary to and not a limitation on the powers and duties of other peace officers in the state.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-8-107 Cooperation with other officers.**

To secure information in order to achieve greater success in prevention and detection of crime and apprehension of criminals, the Highway Patrol shall cooperate and exchange information with:
(1) any other departments of the state;
(2) other law enforcement agencies, both within and outside this state; and
(3) federal law enforcement agencies.

Renumbered and Amended by Chapter 234, 1993 General Session

## Part 2
## Motor Vehicle Safety Inspection Act

**53-8-202 Definitions.**

The definitions in Section 41-6a-102 apply to this part.

Amended by Chapter 40, 2023 General Session

**53-8-204 Division duties -- Official inspection stations -- Permits -- Fees -- Suspension or revocation -- Utah-based interstate commercial motor carriers.**

(1) The division shall:
  (a) conduct examinations of every safety inspection station permit applicant and safety inspector certificate applicant to determine whether the applicant is properly equipped and qualified to make safety inspections;
  (b) issue safety inspection station permits and safety inspector certificates to qualified applicants;
  (c) establish application, renewal, and reapplication fees in accordance with Section 63J-1-504 for safety inspection station permits and safety inspector certificates;
  (d) provide instructions and all necessary forms, including safety inspection certificates, to safety inspection stations for the inspection of motor vehicles and the issuance of the safety inspection certificates;
  (e) investigate complaints regarding safety inspection stations and safety inspectors;
  (f) compile and publish all applicable safety inspection laws, rules, instructions, and standards and distribute them to all safety inspection stations and provide updates to the compiled laws, rules, instructions, and standards as needed; and
  (g) establish a fee in accordance with Section 63J-1-504 to cover the cost of compiling and publishing the safety inspection laws, rules, instructions, and standards and any updates.
(2)
  (a) Receipts from the fees established in accordance with Subsection (1)(g) are fixed collections to be used by the division for the expenses of the Utah Highway Patrol incurred under Subsection (1)(g).
  (b) Funds received in excess of the expenses under Subsection (1)(g) shall be deposited in the Transportation Fund.
(3) The division may:
  (a) before issuing a safety inspection permit, require an applicant, other than a fleet station or government station, to file a bond that will provide a guarantee that the applicant safety inspection station will make compensation for any damage to a motor vehicle during an

inspection or adjustment due to negligence on the part of an applicant or the applicant's employees;

(b) establish procedures governing the issuance of safety inspection certificates to Utah-based interstate commercial motor carriers;

(c) suspend, revoke, or refuse renewal of any safety inspection station permit issued when the division finds that the safety inspection station is not:

(i) properly equipped; or

(ii) complying with rules made by the division; and

(d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety inspector certificate issued when the station or inspector has violated any safety inspection law or rule.

(4) The division shall maintain a record of safety inspection station permits and safety inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

(a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;

(b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;

(c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;

(d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;

(e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;

(f) establishing requirements:

(i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

(ii) for maintaining safety inspection records;

(iii) for providing reports to the division; and

(iv) for maintaining and protecting safety inspection certificates;

(g) establishing procedures for a motor vehicle that fails a safety inspection;

(h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and

(i) establishing procedures for a safety inspection station to follow if the station is going out of business.

(6) The rules of the division:

(a) shall conform as nearly as practical to federal motor vehicle safety standards including 49 C.F.R. Parts 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

(b) may incorporate by reference, in whole or in part, the federal standards under Subsection (6)(a) and nationally recognized and readily available standards and codes on motor vehicle safety.

Amended by Chapter 40, 2023 General Session

**53-8-205 Safety inspection required for certain vehicles -- Out-of-state permits.**

(1)

(a) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.

(b) An off-highway vehicle being registered for the first time as a street-legal all-terrain vehicle as described in Section 41-6a-1509 is required to pass a safety inspection when the owner makes the initial application to register the vehicle as a street-legal all-terrain vehicle.
(c) A novel vehicle being registered for the first time as a street-legal novel vehicle as described in Section 41-27-201 is required to pass a safety inspection when the owner makes the initial application to register the vehicle as a street-legal novel vehicle.
(d) The owner of a commercial vehicle, as defined in Section 72-9-102, shall:
(i) ensure that the commercial vehicle passes a safety inspection annually; or
(ii) provide evidence of a valid annual federal inspection that complies with the requirements of 49 C.F.R. Sec. 396.17.
(e) The owner of a vehicle operated by a ground transportation service provider as defined in Section 72-10-601 shall ensure that the vehicle passes a safety inspection annually.
(f) An owner of one or more of the following types of vehicles shall ensure that the vehicle passes a safety inspection annually:
(i) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;
(ii) a combination unit;
(iii) a bus or van for hire; or
(iv) a taxicab.
(2) A safety inspection station shall issue two safety inspection certificates to the owner of:
(a) each motor vehicle that passes a safety inspection under this section; and
(b) a street-legal all-terrain vehicle that meets all the equipment requirements in Section 41-6a-1509.
(3) A person operating a motor vehicle required to have an annual safety inspection shall have in the person's immediate possession a safety inspection certificate or other evidence of compliance.
(4) The division may authorize the acceptance of a safety inspection certificate issued in another state having a safety inspection law similar to Utah's law.
(5) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 459, 2024 General Session

**53-8-206 Safety inspection -- Station requirements -- Permits not transferable -- Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of permits.**
(1) The safety inspection required under this part may only be performed:
(a) by a person certified by the division as a safety inspector; and
(b) at a safety inspection station with a valid safety inspection station permit issued by the division.
(2)
(a) A safety inspection station permit may not be assigned, or transferred, or used at any location other than a designated location.
(b) The holder of a safety inspection station permit shall post the permit in a conspicuous place at the location designated in the permit.
(3) If required by the division, the safety inspector shall keep a record and file a report of every safety inspection and every safety inspection certificate issued.
(4) A safety inspection station holding a safety inspection station permit issued by the division may charge a reasonable fee for labor in performing safety inspections, not to exceed:
(a) $14 or less for motorcycles and street-legal all-terrain vehicles;

(b) unless Subsection (4)(a) or (c) applies, $30 or less for motor vehicles; or
(c) $40 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate disassembly of front hub or removal of rear axle for inspection.
(5)
(a) A safety inspection station may return to the division unused safety inspection certificates in a quantity of 10 or more.
(b) The division shall reimburse the station for the cost of the returned safety inspection certificates.
(6)
(a) Upon receiving notice of the suspension or revocation of a safety inspection station permit and after the conclusion of any adjudicative proceedings upholding the suspension or revocation, the safety inspection station permit holder shall:
(i) immediately terminate all safety inspection activities; and
(ii) return all safety inspection certificates and the safety inspection station permit to the division.
(b) The division shall issue a receipt for all unused safety inspection certificates.

Amended by Chapter 80, 2019 General Session

**53-8-207 Falsely representing to be official station or safety inspector.**
(1) A person may not in any manner represent any place as a safety inspection station unless the station is operating under a valid permit issued by the division.
(2) A person may not issue a safety inspection certificate unless the person:
(a) is a safety inspector certified by the division;
(b) is operating under a valid safety inspection station permit issued by the division; and
(c) performs the safety inspection on the motor vehicle in compliance with Section 53-8-205.
(3) An unauthorized person may not knowingly possess safety inspection certificates.

Renumbered and Amended by Chapter 26, 1993 General Session
Renumbered and Amended by Chapter 234, 1993 General Session

**53-8-208 Counterfeit certificates of inspection.**
(1) A person may not make, issue, or knowingly use any imitation or counterfeit of a safety inspection certificate.
(2) A person may not present or cause or permit to be presented any safety inspection certificate knowing the certificate to be fictitious, issued for another motor vehicle, or issued without a safety inspection having been made and passed.

Renumbered and Amended by Chapter 26, 1993 General Session
Renumbered and Amended by Chapter 234, 1993 General Session

**53-8-209 Inspection by officers -- Certificate of inspection.**
(1) A peace officer may stop, inspect, and test a vehicle at any time upon reasonable cause to believe that:
(a) a vehicle is unsafe or not equipped as required by law;
(b) the vehicle's equipment is not in proper adjustment or repair; or
(c) the vehicle has been in an accident and a post accident investigation is necessary.
(2)

(a)
(i) If a vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer may give a written notice to the driver and shall send a copy to the division.
(ii) The notice shall:
(A) require that the vehicle be placed in safe condition and the vehicle's equipment in proper repair and adjustment;
(B) specify the repairs and adjustments needed; and
(C) require that a safety inspection certificate be obtained within 14 days.
(b) If a vehicle is, in the reasonable judgment of the peace officer, hazardous to operate, the peace officer may require that the vehicle:
(i) not be operated under its own power; or
(ii) be driven to the nearest garage or other place of safety.
(c)
(i) If the owner or driver does not comply with the notice requirements and secure a safety inspection certificate within 14 days, the vehicle may not be operated on the highways of this state.
(ii) A violation of Subsection (2)(c)(i) is an infraction.
(3) An owner or driver of a vehicle is not guilty of an infraction and is not required to pay a fee or fine if the citation was issued for:
(a) expired registration in violation of Section 41-1a-201 or 41-1a-1303, and:
(i) the citation was issued within two months after the expiration of the vehicle's registration; and
(ii) the owner or driver registers the vehicle within 14 days after the citation was issued; or
(b) a violation of Section 41-1a-205, 41-6a-1601, or 53-8-205 or any other equipment related infraction under Title 41, Chapter 6a, Part 16, Vehicle Equipment, and the owner or driver obtains a safety inspection, emissions inspection, or proof of repair, as applicable, within 14 days after the citation was issued.

Amended by Chapter 345, 2020 General Session
Amended by Chapter 351, 2020 General Session

**53-8-210 Enforcement of inspection requirements.**
(1) A person operating a vehicle shall submit the vehicle to a safety inspection when required to do so by a peace officer.
(2)
(a) An owner or driver, upon receiving a notice as provided in Section 53-8-209, shall within 14 business days:
(i) secure a safety inspection certificate; and
(ii) present the certificate and the repaired vehicle to the Utah Highway Patrol for verification.
(b) In lieu of compliance with this subsection, the vehicle may not be operated, except as provided in Subsection (3).
(3)
(a) A person may not operate any vehicle after receiving a notice from a peace officer that the vehicle is in need of repair or adjustment, except that a peace officer may allow the vehicle to be driven to the residence or place of business of the owner or driver or to the nearest garage where repairs are available if driving the vehicle is not excessively dangerous.

(b) The vehicle may not be operated again on the highways until its equipment has been placed in proper repair and adjustment and otherwise conforms to the requirements of this part and Title 41, Chapter 6a, Traffic Code, and a safety inspection certificate is obtained as promptly as possible.

(4) If repair or adjustment of any vehicle or its equipment is necessary, the owner of the vehicle may obtain repair or adjustment at any place he may choose.

Amended by Chapter 345, 2020 General Session

**53-8-211 Safety inspection of school buses and other vehicles.**

(1) For purposes of this section and Section 53-8-211.5, "education entity" means:

(a) a school district;

(b) a charter school;

(c) a private school; and

(d) the Utah Schools for the Deaf and the Blind.

(2)

(a) A school bus operated by an education entity in this state is required to pass a safety inspection annually.

(b)

(i) An education entity shall perform the safety inspections of a school bus that it operates in accordance with rules made by the division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(ii) The rules under Subsection (2)(b)(i) shall include provisions for:

(A) maintaining school bus drivers' hours of service records;

(B) requiring school bus drivers to maintain vehicle condition reports;

(C) maintaining school bus maintenance and repair records; and

(D) validating that defects discovered during the inspection process have been corrected prior to returning a school bus to service.

(iii)

(A) The division shall audit school bus safety operations of each education entity performing inspections under Subsection (2)(b)(i) to ensure compliance with the rules made under Subsection (2)(b)(i).

(B) The audit may include both a formal examination of the education entity's inspection records and a random physical inspection of buses that have been safety inspected by the education entity.

(iv) An education entity must have a comprehensive school bus maintenance plan approved by the division in order to participate in the safety inspection program.

(v) An education entity may not operate any vehicle found to have mechanical or other defects that would endanger the safety of passengers and the public until the defects have been corrected.

(3) In addition to a safety inspection required under Subsection (2)(b), the Highway Patrol shall:

(a) perform random safety inspections:

(i) annually on a minimum of 20% of the school buses operated by an education entity; and

(ii) on 100% of school buses operated by an education entity when inspections conducted pursuant to Subsection (3)(a)(i) result in an out-of-service failure rate as determined by the division;

(b) verify that defects discovered during an inspection under Subsection (3)(a) have been corrected; and

(c) make publicly available the results of inspections performed under Subsection (3)(a).
(4) Motor vehicles operated by an education entity, and not used for the transportation of students, are subject to Section 53-8-205.

Amended by Chapter 71, 2020 General Session

**53-8-211.5 School bus safety standards -- Exceptions.**
(1) Beginning July 1, 2003, an education entity, as defined in Section 53-8-211, may not use a vehicle with a seating capacity of 11 or more, including the driver, for the transportation of its students unless the vehicle meets federal school bus safety standards under 49 U.S.C. Sec. 30101, et seq.
(2) Subsection (1) does not apply to a vehicle operated by a common carrier, as defined in Section 59-12-102, if the common carrier is not exclusively engaged in the transportation of students.

Amended by Chapter 145, 2017 General Session

**53-8-212 Suspension of registration.**
The State Tax Commission shall suspend the registration of any vehicle the division determines is in an unsafe condition or which after notice and demand is not equipped as required in this part and Title 41, Motor Vehicles.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-8-213 Special function officer status for certain employees -- Retirement provisions.**
(1) The commissioner may designate an employee of the Utah Highway Patrol Division as a special function officer, as defined in Section 53-13-105, for the purpose of enforcing all laws relating to vehicle parts and equipment, including the provisions of this part and Title 41, Chapter 6a, Part 16, Vehicle Equipment.
(2) Notwithstanding Section 49-15-201, a special function officer designated under this section may not become or be designated as a member of the Public Safety Retirement Systems.

Amended by Chapter 2, 2005 General Session

**53-8-214 Creation of the Motor Vehicle Safety Impact Restricted Account.**
(1) There is created a restricted account within the General Fund known as the Motor Vehicle Safety Impact Restricted Account.
(2) The account includes:
(a) deposits made to the restricted account from registration fees as described in Subsection 41-1a-1201(7);
(b) deposits into the account as described in Section 41-1a-1211;
(c) donations or deposits made to the account; and
(d) any interest earned on the account.
(3) Upon appropriation, the division may use funds in the account to improve motor vehicle safety, mitigate impacts, and enforce safety provisions, including the following:
(a) hiring new Highway Patrol troopers;
(b) payment of overtime for Highway Patrol troopers; and
(c) acquisition of equipment to improve motor vehicle safety impacts and enforcement.

(4) The division shall annually report to the Criminal Justice Appropriations Subcommittee to justify expenditures and use of funds in the account.

Amended by Chapter 271, 2025 General Session

## Part 3
## Aero Bureau Act

**53-8-301 Title.**

This part is known as the "Aero Bureau Act."

Enacted by Chapter 71, 2012 General Session

**53-8-302 Definitions.**

As used in this section, "Aero Bureau" means the bureau within the division that provides aerial assistance for law enforcement activities within the state.

Enacted by Chapter 71, 2012 General Session

**53-8-303 Utah Highway Patrol Aero Bureau Restricted Account.**

(1) As used in this section, "account" means the Utah Highway Patrol Aero Bureau Restricted Account created by this section.
(2) There is created a restricted account in the General Fund known as the "Utah Highway Patrol Aero Bureau Restricted Account."
(3) The account shall consist of:
  (a) money deposited into the account in accordance with Section 41-22-19;
  (b) money appropriated to the account by the Legislature; and
  (c) any other public or private money received by the division that is:
    (i) given to the division for purposes consistent with this section; and
    (ii) deposited into the account at the request of:
      (A) the division; or
      (B) the person giving the money.
(4) Money in the account may only be expended for:
  (a) the purchase of aircraft and helicopters for use by the Aero Bureau in search and rescue operations;
  (b) replacement, maintenance, and upgrade of search and rescue equipment;
  (c) search and rescue training and certification for division officers and employees;
  (d) personnel and fuel costs of the Aero Bureau associated with providing search and rescue services; and
  (e) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.

Enacted by Chapter 71, 2012 General Session

# Chapter 9
# Private Investigator Regulation Act

**53-9-101 Title.**

This chapter is known as the "Private Investigator Regulation Act."

Enacted by Chapter 314, 1995 General Session

**53-9-102 Definitions.**

In this chapter, unless otherwise stated:

(1) "Adequate records" means records containing, at a minimum, sufficient information to identify the client, the dates of service, the fee for service, the payments for service, the type of service given, and copies of any reports that may have been made.

(2) "Advertising" means the submission of bids, contracting or making known by any public notice, publication, or solicitation of business, directly or indirectly, that services regulated under this chapter are available for consideration.

(3) "Agency" means a person who holds an agency license pursuant to this chapter, and includes one who employs an individual for wages and salary, and withholds all legally required deductions and contributions, or contracts with a registrant or an apprentice on a part-time or case-by-case basis to conduct an investigation on behalf of the agency.

(4) "Applicant" means any person who has submitted a completed application and all required fees.

(5) "Apprentice" means a person who holds an apprentice license pursuant to this chapter, has not met the requirements for registration, and works under the direct supervision and guidance of an agency.

(6) "Board" means the Bail Bond Recovery and Private Investigator Licensure Board created in Section 53-11-104.

(7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.

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

(9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from trial or plea, including a plea of no contest, regardless of whether the imposition of sentence was suspended.

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

(11) "Direct supervision" means that the agency or employer:

(a) is responsible for, and authorizes, the type and extent of work assigned;

(b) reviews and approves all work produced by the apprentice before it goes to the client;

(c) closely supervises and provides direction and guidance to the apprentice in the performance of his assigned work; and

(d) is immediately available to the apprentice for verbal contact, including by electronic means.

(12) "DOD civilian" means the same as that term is defined in Section 53B-8-102.

(13) "Emergency action" means a summary suspension of a license pending revocation, suspension, or probation in order to protect the public health, safety, or welfare.

(14) "Employee" means an individual who works for an agency or other employer, is listed on the agency's or employer's payroll records, and is under the agency's or employer's direction and control. An employee is not an independent contractor.

(15) "Identification card" means a card issued by the commissioner to a qualified applicant for an agency, registrant, or apprentice license.

(16) "Letter of concern" means an advisory letter to notify a licensee that while there is insufficient evidence to support probation, suspension, or revocation of a license, the department informs the licensee of the need to modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the department may result in further disciplinary action against the licensee.

(17) "Licensee" means a person to whom an agency, registrant, or apprentice license is issued by the department.

(18)

(a) "Private investigator or private detective" means any person, except collection agencies and credit reporting agencies, who, for consideration, engages in business or accepts employment to conduct any investigation for the purpose of obtaining information with reference to:

(i) crime, wrongful acts, or threats against the United States or any state or territory of the United States;

(ii) the identity, reputation, character, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, or transactions of any person or group of persons;

(iii) the credibility of witnesses or other persons;

(iv) the whereabouts of missing persons or owners of abandoned property;

(v) the causes and origin of, or responsibility for a fire, libel, slander, a loss, an accident, damage, or an injury to real or personal property;

(vi) the business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the trial preparation;

(vii) the prevention, detection, and removal of installed devices for eavesdropping or observation;

(viii) the business of "skip tracing" persons who have become delinquent in their lawful debts, either when hired by an individual, collection agency, or through the direct purchase of the debt from a financial institution or entity owning the debt or judgment; or

(ix) serving civil process.

(b) "Private investigator or private detective" does not include:

(i) any person or employee conducting an investigation on the person's or employee's own behalf or on behalf of the employer if the employer is not a private investigator under this chapter;

(ii) an employee of an attorney licensed to practice law in this state; or

(iii) a currently licensed certified public accountant or CPA as defined in Section 58-26a-102.

(19) "Qualifying party" means the individual meeting the qualifications under this chapter for a private investigator license.

(20) "Registrant" means any person who holds a registrant license pursuant to this chapter. The registrant performs private investigative work either as an employee on an employer's payroll or, on a contract with an agency, part-time, or case-by-case basis, with a minimum amount of direction.

(21) "Restructuring" means any change in the legal status of a business.

(22) "Unprofessional conduct" means any of the following:

(a) engaging or offering to engage by fraud or misrepresentation in any activities regulated by this chapter;

(b) aiding or abetting a person who is not licensed pursuant to this chapter in representing that person as a private investigator or registrant in this state;

(c) gross negligence in the practice of a private investigator or registrant;

(d) failing or refusing to maintain adequate records and investigative findings on a subject of investigation or a client;
(e) committing a felony or a misdemeanor involving any crime that is grounds for denial, suspension, or revocation of an agency, registrant, or apprentice license. In all cases, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission of the crime; or
(f) making a fraudulent or untrue statement to the bureau, board, department, or its investigators, staff, or consultants.

Amended by Chapter 438, 2025 General Session

**53-9-103 Commissioner of Public Safety to administer -- Bureau to issue licenses -- Records -- Bonds -- Rulemaking.**

(1) The commissioner shall administer this chapter.
(2)
(a) The bureau, acting at the direction of the commissioner, shall issue a private investigator license to an applicant whom the board finds meets the qualifications for licensure under this chapter.
(b) The bureau shall issue a license to an apprentice applicant who meets the qualifications for licensure under this chapter within five business days of receipt of the application.
(c) The bureau shall notify each licensee under this chapter when a licensee's license is due for renewal in accordance with procedures established by rule.
(3)
(a) The bureau shall keep records of:
(i) all applications for licenses under this chapter; and
(ii) all bonds and proof of certificates of liability and workers' compensation insurance required to be filed.
(b) The records shall include statements as to whether a license or renewal license has been issued for each application.
(4) If a license is revoked, suspended, canceled, or denied or if a licensee is placed on probation, the date of filing the order for revocation, suspension, cancellation, denial, or probation shall be included in the records.
(5) The bureau shall maintain:
(a) a list of all licensees whose license has been revoked, suspended, placed on probation, or canceled; and
(b) a written record of complaints filed against licensees.
(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner may make rules governing the administration of the provisions of this chapter.

Amended by Chapter 378, 2014 General Session

**53-9-107 Classification of licenses -- License required to act.**

(1) Every person applying for a license under this chapter shall indicate on the application which of the following licenses the applicant is applying for:
(a) an agency license shall be issued to an applicant who meets the agency requirements of Sections 53-9-108 and 53-9-109;
(b) a registrant license shall be issued to an applicant who meets the registrant requirements of Sections 53-9-108 and 53-9-110; or

(c) an apprentice license shall be issued to an applicant who meets the apprentice requirements of Sections 53-9-108 and 53-9-110.

(2) Unless licensed under this chapter, a person may not:

(a) act or assume to act as, or represent himself to be:

(i) a licensee; or

(ii) a private investigator or private detective as defined in Section 53-9-102 or conduct any investigation as described in the definition of private investigator or private detective; or

(b) falsely represent to be employed by or for an independent contractor for an agency.

(3) A licensed registrant, as defined in Section 53-9-102, may only work as an employee of, or as an independent contractor for, an agency licensed under this chapter, and may not:

(a) advertise the licensed registrant's services or conduct investigations for the general public; or

(b) employ other private investigators or hire them as independent contractors.

(4)

(a) A licensed apprentice, as defined in Section 53-9-102, may only work under the direct supervision and guidance of an agency licensed under this chapter, and may not:

(i) advertise the licensed apprentice's services or conduct investigations for the general public;

(ii) employ other private investigators; or

(iii) obtain information from the Utah State Tax Commission Motor Vehicle Division or Driver License Division within the Department of Public Safety, except the apprentice may utilize information from these agencies for a legitimate business need and under the direct supervision and guidance of a licensed agency.

(b) A registrant or apprentice whose license has been suspended or revoked shall immediately notify the agency which supervises the registrant or apprentice of the action.

Amended by Chapter 211, 2021 General Session

**53-9-108 Qualifications for licensure.**

(1)

(a) An applicant under this chapter shall be at least:

(i) 21 years old to apply for an agency license or a registrant license; or

(ii) 18 years old to apply for an apprentice license.

(b) An applicant may not have been:

(i) convicted of a felony;

(ii) convicted of an act involving illegally using, carrying, or possessing a dangerous weapon;

(iii) convicted of an act of personal violence or force on any person or convicted of threatening to commit an act of personal violence or force against another person;

(iv) convicted of an act constituting dishonesty or fraud;

(v) convicted of an act involving moral turpitude within the past 10 years unless the conviction has been expunged under the provisions of Title 77, Chapter 40a, Expungement of Criminal Records;

(vi) placed on probation or parole;

(vii) named in an outstanding arrest warrant; or

(viii) convicted of illegally obtaining or disclosing private, controlled, or protected records as provided in Section 63G-2-801.

(c) If previously or currently licensed in another state or jurisdiction, the applicant shall be in good standing within that state or jurisdiction.

(2) In assessing if an applicant meets the requirements under Subsection (1)(b), the board shall consider mitigating circumstances presented by an applicant.

(3)
(a) An applicant for an agency license shall have:
(i) a minimum of 5,000 hours of investigative experience that consists of actual work performed as a licensed private investigator, an investigator in the private sector, an investigator for the federal government, or an investigator for a state, county, or municipal government; or
(ii) if the applicant held a registrant license or an apprentice license under this chapter on or before May 1, 2010, a minimum of 2,000 hours of investigative experience that consists of actual work performed as a licensed private investigator, an investigator in the private sector, an investigator for the federal government, or an investigator for a state, county, or municipal government.
(b) An applicant for a registrant license shall have a minimum of 2,000 hours of investigative experience that consists of actual investigative work performed as a licensed private investigator, an investigator in the private sector, an investigator for the federal government, an investigator for a state, county, or municipal government, or a process server.
(c) At least 1,000 hours of the investigative experience required under this Subsection (3) shall have been performed within 10 years immediately prior to the application.
(d) An applicant shall substantiate investigative work experience required under this Subsection (3) by providing:
(i) the exact details as to the character and nature of the investigative work on a form prescribed by the bureau and certified by the applicant's employers; or
(ii) if the applicant is applying for the reinstatement of an agency license, internal records of the applicant that demonstrate the investigative work experience requirement has previously been met.
(e)
(i) The applicant shall prove completion of the investigative experience required under this Subsection (3) to the satisfaction of the board and the board may independently verify the certification offered on behalf of the applicant.
(ii) The board may independently confirm the claimed investigative experience and the verification of the applicant's employers.
(4) An applicant for an apprentice license, lacking the investigative experience required for a registrant license, shall meet all of the qualification standards in Subsection (1), and shall complete an apprentice application.
(5) An applicant for an agency or registrant license may receive credit toward the hours of investigative experience required under Subsection (3) as follows:
(a) an applicant may receive credit for 2,000 hours of investigative experience if the applicant:
(i) has an associate's degree in criminal justice or police science from an accredited college or university; or
(ii) is certified as a peace officer; and
(b) an applicant may receive credit for 4,000 hours of investigative experience if the applicant has a bachelor's degree in criminal justice or police science from an accredited college or university.
(6) The board shall determine if the applicant may receive credit under Subsection (5) toward the investigative and educational experience requirements under Subsection (3).

Amended by Chapter 194, 2024 General Session

**53-9-109 Application for agency license -- Liability insurance -- Workers' compensation.**

(1) Every application for an agency license to engage in the private investigative business shall provide to the bureau:
(a) the full name and business address of the applicant;
(b) one passport-size color photograph of the applicant;
(c) the name under which the applicant intends to do business;
(d) a statement that the applicant intends to engage in the private investigative business;
(e) a verified statement of the applicant's experience and qualifications as provided in Section 53-9-108; and
(f) the fee prescribed in Section 53-9-111.
(2) Before the issuance or renewal of an agency license, the applicant shall provide to the bureau:
(a) a certificate of liability insurance; and
(b) a certificate of workers' compensation insurance, if applicable.
(3) The liability insurance required by this section shall:
(a) protect against liability to third persons;
(b) contain a limit of liability in an amount of not less than $500,000;
(c) be continuous in form and run concurrently with the license period; and
(d) provide for notice to the bureau in the event of cancellation of the liability insurance.
(4)
(a) The bureau shall cancel a license when it receives notice from the insurer that liability insurance required under Subsection (2) has expired or been canceled.
(b) The licensee shall be notified by the bureau when a license has been cancelled under this Subsection (4).
(c) The license may be reinstated when the licensee:
(i) files proof of liability insurance for the remainder of the license period; and
(ii) pays the reinstatement fee prescribed in Section 53-9-111.

Amended by Chapter 432, 2011 General Session

**53-9-110 Application for registrant or apprentice license.**
(1) Every application for a registrant or apprentice license shall provide to the bureau:
(a) the full name and address of the applicant;
(b) one passport-size color photograph of the applicant;
(c) the name of the licensed agency for which the applicant will be an employee, apprentice, or contract registrant, if applicable;
(d) authorization of the licensed agency or licensed agency's designee to employ the apprentice or contract with the registrant, if applicable;
(e) a verified statement of the applicant's experience and qualifications as provided in Section 53-9-108; and
(f) the fee required by Section 53-9-111.
(2) An application for a registrant or apprentice license or renewal shall include a surety bond in the amount of $10,000.
(3) The surety bond required by this section shall:
(a) be in effect throughout the entire licensing period; and
(b) provide that the issuer of the surety bond shall notify the bureau if the surety bond is cancelled or expired.
(4)
(a) The bureau shall cancel a license when the bureau receives notice from the issuer that the surety bond required in Subsection (2) has expired or been cancelled.

(b) The bureau shall notify the licensee and the licensee's sponsoring agent when the bureau cancels a license under Subsection (4)(a).
(c) The bureau may reinstate a license when the licensee:
(i) files proof of a surety bond for the remainder of the license period; and
(ii) pays the reinstatement fee required by Section 53-9-111.

Amended by Chapter 359, 2025 General Session

**53-9-111 License fees -- Renewal, reinstatement of license -- Deposit of fees in General Fund.**

(1) The bureau shall set fees for individual and agency licensure and renewal in accordance with Section 63J-1-504.
(2)
(a) The bureau may renew a license granted under this chapter upon receipt of:
(i) a renewal application on forms as required by the bureau; and
(ii) the fees required by Subsection (1).
(b)
(i) The renewal of a license requires the filing of:
(A) all certificates of insurance or proof of surety bond as required by this chapter; and
(B) beginning May 7, 2027, documentation of 16 hours of continuing education.
(ii) The bureau may not renew a license more than 180 days after expiration.
(c) A licensee may not engage in activity subject to this chapter during the period between the date of expiration of the license and the renewal of the license.
(3)
(a) The bureau shall renew a suspended license if:
(i) the period of suspension is complete;
(ii) the bureau has received a renewal application from the applicant on forms as required by the bureau; and
(iii) the applicant has:
(A) filed all certificates of insurance or proof of surety bond as required by this chapter; and
(B) paid the fees required by this section for renewal, including a delinquency fee if the bureau does not receive the application within 30 days after the day on which the bureau terminates the suspension.
(b) Renewal of the license does not entitle the licensee, while the license remains suspended and until the license is reinstated, to engage in activity regulated by this chapter, or in other activity or conduct in violation of the order or judgment by which the license was suspended.
(4) The bureau may not reinstate a revoked license or accept an application for a license from a person whose license has been revoked for at least one year after the date of revocation.
(5) The bureau shall deposit fees, except the fingerprint processing fee, collected by the bureau under this section into the General Fund.

Amended by Chapter 359, 2025 General Session

**53-9-112 Issuance of license and identification card to applicant -- License period -- Expiration of application -- Transfer of license prohibited.**

(1)
(a) The commissioner shall issue a license to an applicant who complies with the provisions of this chapter.

(b) Each license issued under this chapter shall:
(i) contain the name and address of the licensee, the license, the license number, and the license's agency, registrant, or apprentice license designation; and
(ii) be issued for a period of two years.
(2) On the issuance of a license, an identification card shall:
(a) be issued without charge to the licensee; and
(b) state on the identification card's face:
(i) whether the bearer holds an agency, registrant, or apprentice license;
(ii) the license number;
(iii) the expiration date; and
(iv) a current photograph of the licensee.
(3)
(a) A registrant identification card shall state that the licensee is under the direction of a licensed agency and may not do investigative work independently for the public.
(b) An apprentice identification card shall state that the licensee is under the direct supervision of a licensed agency and may not do investigative work independently for the public.
(4) Upon request by a person having reasonable cause to verify the validity of the license, the licensee shall immediately identify the agency name and the name and phone number of an agent of the licensed agency for which the licensee is an employee or independent contractor.
(5)
(a) On notification by the commissioner to an applicant that the license is not complete, or is not ready for issuance pending additional information, the applicant shall complete the application process and provide the additional information within 90 days.
(b) Failure to complete the process shall result in the application being cancelled and all fees forfeited.
(c) Subsequent application by the same applicant requires the payment of all application and license fees required by Section 53-9-111.
(6)
(a) A licensee shall notify the commissioner of any change in the name or address of the licensee's business within 60 days of the change.
(b)
(i) If there is evidence that the licensee knowingly failed to notify the commissioner, the bureau shall suspend the license.
(ii) To relieve the suspension, the licensee shall apply for reinstatement and pay the fee required by Section 53-9-111.
(7) A license issued under this chapter is not transferable or assignable.

Amended by Chapter 302, 2025 General Session
Amended by Chapter 359, 2025 General Session

**53-9-113 Grounds for denial of a license -- Appeal.**
(1) The board may deny a license or the renewal of a license if the applicant has:
(a) committed an act that, if committed by a licensee, would be grounds for probation, suspension, or revocation of a license under this chapter;
(b) employed or contracted with a person who has been refused a license under this chapter or who has had a license revoked;
(c) while not licensed under this chapter, committed, or aided and abetted the commission of, any act for which a license is required by this chapter; or

(d) knowingly made a material misstatement in connection with an application for a license or renewal of a license.

(2)

(a) The board's denial of a license under this chapter shall:

(i) be in writing;

(ii) describe the basis for the denial; and

(iii) inform the applicant that if the applicant desires a hearing to contest the denial, the applicant shall submit a request in writing to the board within 30 days after the denial has been sent by certified mail to the applicant.

(b) The board shall schedule a hearing on the denial for the next board meeting after the applicant's request for a hearing has been received by the board.

(3) The decision of the board may be appealed to the commissioner, who may:

(a) return the case to the board for reconsideration;

(b) modify the board's decision; or

(c) reverse the board's decision.

(4) The commissioner shall promptly issue a final order and send the order by mail to the applicant.

(5) Decisions of the commissioner are subject to judicial review pursuant to Section 63G-4-402.

Amended by Chapter 432, 2011 General Session

**53-9-115 Business name and address -- Posting of license -- Advertising -- Incapacitation, death of agent.**

(1) As used in this section, "no agent agency" means a licensed agency that has only one agent and for which the agent is incapacitated or dies.

(2)

(a) Subject to the provisions of this chapter, a licensee may conduct an investigative business under a name other than the licensee's by:

(i) complying with the requirements of Title 42, Chapter 2, Conducting Business Under Assumed Name; and

(ii) providing a copy of the filed certificate to the commissioner.

(b) Failure to comply with Subsection (2)(a) shall result in the suspension of the license.

(3)

(a) Each licensee shall have at least one physical location from which the agency conducts normal business.

(b) The address of this location shall be on file with the commissioner at all times and is not a public record in accordance with Subsection 63G-2-301(2)(b)(ii).

(4) A licensee shall post the license certificate issued by the commissioner in a conspicuous place in the principal office of the licensee.

(5) Subject to the provisions of this chapter, a licensee may solicit business through any accepted form of advertising.

(a) Any advertisement shall contain the licensee's name and license number as the name and license number appear on the license certificate.

(b) A licensee may not use false, deceptive, or misleading advertising.

(6)

(a) The bureau, after receiving notice, shall allow an agent for an agency licensed under this chapter to act as the agent for a no agent agency until the next scheduled or emergency board meeting, where the board shall consider mitigating circumstances for the no agent agency to remain operating permanently or temporarily.

(b) If the board allows the no agent agency to operate temporarily, the board shall allow sufficient time for the no agent agency to complete investigations that began before the incapacitation or death of the agent.

Amended by Chapter 359, 2025 General Session

**53-9-116 Divulging investigative information -- False reports prohibited.**

(1) Except as otherwise provided by this chapter, a licensee may not divulge or release to anyone other than the licensee's client or employer the contents of an investigative file acquired in the course of licensed investigative activity. However, the board shall have access to investigative files if the client for whom the information was acquired, or the client's lawful representative, alleges a violation of this chapter by the licensee or if the prior written consent of the client to divulge or release the information has been obtained.

(2) A licensee may not willfully make a false statement or report to a client, employer, the board, or any authorized representative of the department, concerning information acquired in the course of activities regulated by this chapter.

(3) The licensee shall submit investigative reports to a client at times and in the manner agreed upon between the licensee and the client.

(4) Upon demand by the client, the licensee shall divulge to the client the results of an investigation if payment in full has been tendered for the charges levied.

(5) The licensee has full right to withdraw from any case and refund any portion of a retainer for which investigative work has not been completed.

Amended by Chapter 302, 2025 General Session

**53-9-117 Authority to investigate complaint -- Filing of complaints -- Response -- Retention of records -- Appeal -- Penalties collected.**

(1) The bureau or board may initiate an investigation of any person advertising services or engaged in performing services that require a license under this chapter and shall investigate if a licensee is engaged in activities that do not comply with or are prohibited by this chapter.

(2) The bureau shall enforce the provisions of this chapter without regard to the place or location in which a violation may have occurred, and on the complaint of any person, may investigate any alleged violation of this chapter or the business and business methods of any licensee or applicant for licensure under this chapter.

(3) A person shall file a complaint against any licensee with the bureau in writing on forms approved by the bureau.

(a) Upon receipt of a complaint, or at the request of the board, the bureau shall assign the complaint to an investigator within the bureau.

(b) The bureau shall provide a copy of the complaint to the licensee, who shall answer the complaint in writing within 15 working days after the date on which the bureau sends the complaint to the licensee by certified mail.

(4) In any investigation undertaken by the bureau, each licensee on request shall provide records and truthfully respond to questions concerning activities regulated under this chapter.

(a) The licensee shall maintain the records for five years at:

(i) the principal place of business of the licensee; or

(ii) another location the board approves for a person whose license has been terminated, canceled, or revoked.

(b) On request by the bureau, the licensee shall:

(i) during normal business hours or other time acceptable to the parties, make the licensee's records available immediately to the bureau unless the bureau grants an extension; and
(ii) provide copies of any business records the bureau requests.
(5) Upon completion of the investigation, the bureau shall report the bureau's findings of fact to the board and shall make a recommendation as to whether disciplinary action is warranted under Section 53-9-118, including whether emergency action should be taken under Subsection (8).
(6)
(a) If the bureau recommends disciplinary action, the bureau shall send a notice of a recommendation required by Subsection (5) to the licensee by certified mail.
(b) The notice shall include the date and time of the meeting where the board will consider the bureau's recommendation.
(c) The board shall give the licensee an opportunity at the meeting to present testimony and evidence in response to the bureau's recommendation.
(7) If the board finds, based on the investigation or hearing, that a violation of Section 53-9-118 has occurred, the board shall send notice of the board's decision to:
(a) the licensee at the licensee's most recent address in the bureau's files by certified mail, return receipt requested; and
(b) the licensee's sponsoring agent if the licensee is an apprentice or a registrant.
(8) Based on information the board receives from the investigation or during a hearing, the board may:
(a) dismiss the complaint if the board finds the complaint is without merit;
(b) take emergency action;
(c) issue a letter of concern, if applicable;
(d) impose a civil penalty not to exceed $500;
(e) place the license on suspension for a period of not more than 12 months;
(f) revoke the license; and
(g) place all records, evidence findings, and conclusion, and any other information pertinent to the investigation, in a confidential and protected records section of the licensee's file maintained at the bureau.
(9) A letter of concern issued for a violation of Section 53-9-118 is a document that is retained by the bureau and may be used in future disciplinary actions against a licensee.
(10)
(a) Appeal of the board's decision shall be made in writing to the commissioner within 15 days from the date the board mails the board's decision to the licensee.
(b) The commissioner shall review the board's finding and may affirm, return to the board for reconsideration, reverse, adopt, modify, supplement, amend, or reject the recommendation of the board.
(11)
(a) The commissioner shall issue a final written order within 30 days outlining the decision on appeal.
(b) The final order is final agency action for purposes of judicial review under Section 63G-4-402.
(12)
(a) If the board finds, based on the bureau's investigation, that the public health, safety, or welfare requires emergency action, the board may order a summary suspension of a license pending proceedings for revocation or other action.
(b)

(i) If the board issues a summary suspension order, the board shall issue to the licensee a written notice of the order and indicate the licensee's right to request a formal hearing before the board.

(ii) The board shall mail notice to the licensee by certified mail, return receipt requested.

(c) A licensee shall request a formal hearing in writing and mail the request to the bureau within 30 working days of the date the board mailed the summary suspension order to the licensee.

(13) All penalties collected under this section shall be deposited into the General Fund.

Amended by Chapter 359, 2025 General Session

**53-9-118 Grounds for disciplinary action.**

The board may suspend or revoke a licensee's license or deny an application for a license if a person:

(1) engages in fraud or willful misrepresentation in applying for an original license or renewal of an existing license;

(2) uses any letterhead, advertising, or other printed matter in any manner representing that the licensee is an instrumentality of the federal government, a state, or any political subdivision of a state;

(3) uses a name different from that under which the licensee is currently licensed for any advertising, solicitation, or contract to secure business unless the name is an authorized fictitious name;

(4) impersonates, permits, or aids and abets an employee or independent contractor to impersonate a peace officer or employee of the United States, any state, or a political subdivision of a state;

(5) knowingly violates, advises, encourages, or assists in the violation of any statute, court order, or injunction in the course of a business regulated under this chapter;

(6) falsifies fingerprints or photographs while operating under this chapter;

(7) is convicted of a felony;

(8) is convicted of any act involving illegally using, carrying, or possessing a dangerous weapon;

(9) is convicted of any act involving moral turpitude;

(10) is convicted of any act of personal violence or force against any person or conviction of threatening to commit any act of personal violence or force against any person;

(11) solicits business for an attorney in return for compensation;

(12) is convicted of any act constituting dishonesty or fraud;

(13) is placed on probation, parole, or named in an outstanding arrest warrant;

(14) commits or permits any employee or independent contractor to commit any act during the period when the license is expired or suspended;

(15) willfully neglects to render to a client services or a report as agreed between the parties and for which the client paid or tendered compensation in accordance with the agreement of the parties unless the licensee chooses to withdraw from the case and returns the funds for work not yet completed;

(16) engages in the unauthorized release of information acquired on behalf of a client by a licensee, or the client's employee or contract agent, as a result of activities regulated under this chapter;

(17) fails to cooperate with, misrepresents to, or refuses access to business or investigative records requested by the board or an authorized representative of the bureau engaged in an official investigation in accordance with this chapter;

(18) employs or contracts with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter if the licensure status was known or could have been ascertained by reasonable inquiry;
(19) permits, authorizes, aids, or in any way assists an employee to conduct services as described in this chapter on an independent contractor basis and not under the authority of the licensed agency;
(20) fails to maintain in full force and effect liability or workers' compensation insurance, or a surety bond, if applicable;
(21) conducts private investigation services regulated by this chapter on a revoked or suspended license;
(22) accepts employment, contracts, or in any way engages in employment that has an adverse impact on investigations being conducted on behalf of clients;
(23) advertises in a false, deceptive, or misleading manner;
(24) refuses to display the identification card issued by the bureau to any person having reasonable cause to verify the validity of the license;
(25) commits any act of unprofessional conduct;
(26) is convicted of any act of illegally obtaining or disseminating private, controlled, or protected records under Section 63G-2-801;
(27) fails to notify the bureau of a change of name or address within 60 days of the change; or
(28) engages in any other conduct prohibited by this chapter.

Amended by Chapter 359, 2025 General Session

**53-9-119 Violation -- Penalty.**

Any person who violates any provision of this chapter is guilty of a class A misdemeanor.

Amended by Chapter 212, 1998 General Session

**53-9-121 Limited-use license.**

(1) As used in this section:
(a) "Legislative body" means:
(i) the Legislature;
(ii) the Utah House of Representatives;
(iii) the Utah Senate;
(iv) a special investigative committee; or
(v) a staff office of the Legislature.
(b) "Special investigative committee" is as defined in Subsection 36-12-9(1).
(2) Notwithstanding any provision of this chapter, a person is qualified to receive a limited-use license if the person:
(a) is licensed, in good standing, by another state, district, or territory of the United States to provide the services of a private investigator or private detective; and
(b) is retained by a legislative body to provide the services of a private investigator or private detective for:
(i) a special investigative committee; or
(ii) a purpose relating to impeachment.
(3) A person holding a limited-use license may only provide the services described in Subsection (2)(b).

(4) The bureau shall issue a limited-use license to a person within five days after the day on which the bureau receives notice from a legislative body that:
(a) the person meets the qualifications described in Subsection (2)(a); and
(b) the legislative body has retained the person to provide the services described in Subsection (2)(b).
(5) The bureau may not:
(a) impose a qualification for the receipt of a limited-use license other than the qualifications described in Subsection (2)(a); or
(b) charge a fee to issue a limited-use license.
(6) A limited-use license expires when the person to whom it is issued is no longer retained by a legislative body to provide a service described in Subsection (2)(b).

Enacted by Chapter 3, 2013 Special Session 1
Enacted by Chapter 3, 2013 Special Session 1

**53-9-122 Exemptions from licensure.**

Except as otherwise provided by statute or rule, the following individuals may engage in the practice of an occupation or profession regulated by this chapter, subject to the stated circumstances and limitations, without being licensed under this title:
(1) an individual licensed under the laws of this state, other than under this chapter, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
(2) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
(3) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:
(a) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

Amended by Chapter 438, 2025 General Session

# Chapter 10
# Criminal Investigations and Technical Services Act

## Part 1
## General Provisions

**53-10-101 Short title.**

This chapter is known as the "Criminal Investigations and Technical Services Act."

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-102 Definitions.**

As used in this chapter:

(1) "Administration of criminal justice" means performance of any of the following: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

(2) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.

(3) "Alcoholic product" means the same as that term is defined in Section 32B-1-102.

(4) "Bureau" means the Bureau of Criminal Identification within the department, created in Section 53-10-201.

(5) "Commission" means the Alcoholic Beverage Services Commission.

(6) "Communications services" means the technology of reception, relay, and transmission of information required by a public safety agency in the performance of the public safety agency's duty.

(7) "Conviction record" means criminal history information indicating a record of a criminal charge that has led to a declaration of guilt of an offense.

(8) "Criminal history record information" means information on an individual consisting of identifiable descriptions and notations of:

(a) arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising from any of them; and

(b) sentencing, correctional supervision, and release.

(9) "Criminal justice agency" means a court or a government agency or subdivision of a government agency that administers criminal justice under a statute, executive order, or local ordinance and that allocates greater than 50% of its annual budget to the administration of criminal justice.

(10) "Criminalist" means the scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the natural sciences in law-science matters.

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

(12) "Director" means the division director appointed under Section 53-10-103.

(13) "Division" means the Criminal Investigations and Technical Services Division created in Section 53-10-103.

(14) "Executive order" means an order of the president of the United States or the chief executive of a state that has the force of law and that is published in a manner permitting regular public access to the order.

(15) "Forensic" means dealing with the application of scientific knowledge relating to criminal evidence.

(16) "Mental defective" means an individual who, by a district court, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is found:

(a) to be a danger to himself or herself or others;

(b) to lack the mental capacity to contract or manage the individual's own affairs;

(c) to be incompetent by a court in a criminal case; or

(d) to be incompetent to stand trial or found not guilty by reason or lack of mental responsibility.

(17) "Missing child" means an individual under 18 years old who is missing from the individual's home environment or a temporary placement facility for any reason and whose location cannot be determined by the person responsible for the individual's care.

(18) "Missing person" means the same as that term is defined in Section 26B-8-130.

(19) "Pathogens" means disease-causing agents.

(20) "Physical evidence" means something submitted to the bureau to determine the truth of a matter using scientific methods of analysis.
(21) "Qualifying entity" means a business, organization, or a governmental entity that employs persons or utilizes volunteers who deal with:
(a) national security interests;
(b) fiduciary trust over money; or
(c) the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

Amended by Chapter 328, 2023 General Session

**53-10-103 Division -- Creation -- Director appointment and qualifications.**
(1) There is created within the department the Criminal Investigations and Technical Services Division.
(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.
(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.
(5) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-10-104 Division duties.**
The division shall:
(1) provide and coordinate the delivery of support services to law enforcement agencies;
(2) maintain and provide access to criminal records for use by law enforcement agencies;
(3) publish law enforcement and statistical data;
(4) maintain dispatch and communications services for public safety communications centers and provide emergency medical, fire suppression, highway maintenance, public works, and law enforcement communications for municipal, county, state, and federal agencies;
(5) analyze evidence from crime scenes and crime-related incidents for criminal prosecution;
(6) provide criminalistic laboratory services to federal, state, and local law enforcement agencies, prosecuting attorneys and agencies, and public defenders, with the exception of those services provided by the state medical examiner in accordance with Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
(7) establish satellite laboratories as necessary to provide criminalistic services;
(8) safeguard the public through licensing and regulation of activities that impact public safety, including concealed weapons, emergency vehicles, and private investigators;
(9) provide investigative assistance to law enforcement and other government agencies;
(10) collect and provide intelligence information to criminal justice agencies;
(11) investigate crimes that jeopardize the safety of the citizens, as well as the interests, of the state;
(12) regulate and investigate laws pertaining to the sale and distribution of liquor;
(13) make rules to implement this chapter;

(14) perform the functions specified in this chapter;
(15) comply with the requirements of Section 11-40-103;
(16) comply with the requirements of Sections 72-10-602 and 72-10-603; and
(17) develop and maintain a secure database of cold cases within the Utah Criminal Justice Information System pursuant to Section 53-10-115.

Amended by Chapter 328, 2023 General Session

**53-10-104.5 Wireless service -- Communication device location information in emergencies and certain urgent situations.**

(1) As used in this section:
(a) "Communication device" means the same as that term is defined in Section 76-8-311.3.
(b)
(i) "Communication device data" means information obtained from the available records or other network data concerning a specific communication device that may help to reveal the location of the communication device.
(ii) "Communication device data" includes, if the data will help to reveal the location of a specific communication device:
(A) call logs;
(B) GPS tracking data;
(C) application data;
(D) browser history;
(E) email records;
(F) photos and videos;
(G) SMS and MMS messages; and
(H) contact details.
(c)
(i) "Communication device location information" means the best available location information, including information obtained by use of historical cellular site information or a mobile locator tool for a communication device or a telecommunication device.
(ii) "Communication device location information" includes communication device data.
(d) "Law enforcement agency" or "agency" has the same definition as in Section 53-1-102.
(e) "Mobile telecommunications service" has the same definition as in Section 54-8b-2.
(f) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
(g) "Telecommunication device" has the same definition as in Section 76-6-409.5.
(2) A mobile telecommunications service shall provide communication device location information as quickly as possible regarding a telecommunication device user or a communication device user whom a law enforcement agency:
(a) has reason to believe is in need of services under Subsection (2)(a)(i) or (ii), upon the request of a law enforcement agency or a public safety communications center if the agency or center determines the communication device location information is necessary in order to respond to:
(i) a call for emergency response services; or
(ii) an emergency situation that involves the imminent risk of death or serious bodily injury; or
(b) has a warrant for the communication device location information for the telecommunication device user or communication device user who is missing, if the law enforcement agency has prioritized the warrant as urgent based on the law enforcement agency's determination that the user may be in danger of physical harm.

(3)
(a) The mobile telecommunications service may establish procedures in accordance with 18 U.S.C. Sec. 2702(b)(8) for the mobile telecommunications service's response to a request for location under Subsection (2).
(b) If a mobile telecommunications service establishes procedures under Subsection (3)(a), the procedures shall include a method for a law enforcement agency to identify a situation under Subsection (2)(a) and a prioritized warrant described in Subsection (2)(b).
(4) A mobile telecommunications service that, acting in good faith, provides information as requested under Subsection (2) may not be held civilly liable for providing the information.
(5)
(a) The division shall obtain contact information from all mobile telecommunication service providers that provide services in this state to facilitate communicating location requests under Subsection (2).
(b) The division shall provide the contact information to all public safety communications centers in the state and shall provide updates to the contact information.

Amended by Chapter 254, 2025 General Session

**53-10-105 Assistance to law enforcement agencies -- Investigation of crimes -- Laboratory facilities.**
(1) The commissioner may assist any law enforcement agency in:
(a) establishing identification and investigation records systems;
(b) establishing uniform crime reporting systems;
(c) investigating any crime;
(d) coordinating the exchange of criminal identification, intelligence, and investigation information among law enforcement agencies; and
(e) providing the agencies with equipment, technical assistance, and instruction.
(2)
(a) At the governor's direction, the commissioner shall assign division employees to investigate any crime within this state for the purpose of identifying, apprehending, and convicting the perpetrator or perpetrators of that crime even if the commissioner has not received a request from a law enforcement agency.
(b) The governor may establish a time period for the commissioner to pursue the investigation.
(c) To accomplish the purposes of this section, the commissioner may provide, through the division, crime detection laboratory facilities.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-106 Cooperation with agencies of any state or nation.**
The division shall cooperate with appropriate agencies of any state or nation in developing uniform systems of criminal identification, crime reporting, and information exchange.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-107 Admissibility in evidence of certified copies of division files.**
A copy of any fingerprint, record, document, or other evidence in the files of the division, certified by the commissioner to be a true copy of the original, is admissible in evidence in the same manner as the original.

Renumbered and Amended by Chapter 263, 1998 General Session

***Superseded 9/1/2025***

**53-10-108 Restrictions on access, use, and contents of division records -- Limited use of records for employment purposes -- Challenging accuracy of records -- Usage fees -- Missing children records -- Penalty for misuse of records.**

(1) As used in this section:

(a) "Clone" means to copy a subscription or subscription data from a rap back system, including associated criminal history record information, from a qualified entity to another qualified entity.

(b) "FBI Rap Back System" means the rap back system maintained by the Federal Bureau of Investigation.

(c) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.

(d) "Volunteer Employee Criminal History System" or "VECHS" means a system that allows the bureau and the Federal Bureau of Investigation to provide criminal history record information to a qualifying entity, including a non-governmental qualifying entity.

(e) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.

(2) Except as provided in Subsection (17), dissemination of information from a criminal history record, including information obtained from a fingerprint background check, name check, warrant of arrest information, or information from division files, is limited to:

(a) criminal justice agencies for purposes of administration of criminal justice and for employment screening by criminal justice agencies;

(b)

(i) agencies or individuals pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice; and

(ii) the agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, and ensure the security and confidentiality of the data;

(c) a qualifying entity for employment background checks for the qualifying entity's own employees or volunteers and individuals who have applied for employment with or to serve as a volunteer for the qualifying entity;

(d) noncriminal justice agencies or individuals for any purpose authorized by statute, executive order, court rule, court order, or local ordinance;

(e) agencies or individuals for the purpose of obtaining required clearances connected with foreign travel or obtaining citizenship;

(f) agencies or individuals for the purpose of a preplacement adoptive study, in accordance with the requirements of Sections 78B-6-128 and 78B-6-130;

(g) private security agencies through guidelines established by the commissioner for employment background checks for their own employees and prospective employees;

(h) state agencies for the purpose of conducting a background check for the following individuals:

(i) employees;

(ii) applicants for employment;

(iii) volunteers; and

(iv) contract employees;

(i) governor's office for the purpose of conducting a background check on the following individuals:
(i) cabinet members;
(ii) judicial applicants; and
(iii) members of boards, committees, and commissions appointed by the governor;
(j) the office of the lieutenant governor for the purpose of conducting a background check on an individual applying to be a notary public under Section 46-1-3;
(k) agencies and individuals as the commissioner authorizes for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency; and
(l) other agencies and individuals as the commissioner authorizes and finds necessary for protection of life and property and for offender identification, apprehension, and prosecution pursuant to an agreement.
(3) An agreement under Subsection (2)(k) shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of individuals to whom the information relates, and ensure the confidentiality and security of the data.
(4)
(a) Before requesting information, a qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a signed waiver from the person whose information is requested.
(b) The waiver shall notify the signee:
(i) that a criminal history background check will be conducted;
(ii) who will see the information; and
(iii) how the information will be used.
(c) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal justice name based background check of local databases to the bureau shall provide to the bureau:
(i) personal identifying information for the subject of the background check; and
(ii) the fee required by Subsection (15).
(d) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (g) that submits a request for a WIN database check and a nationwide background check shall provide to the bureau:
(i) personal identifying information for the subject of the background check;
(ii) a fingerprint card for the subject of the background check; and
(iii) the fee required by Subsection (15).
(e) Information received by a qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) may only be:
(i) available to individuals involved in the hiring or background investigation of the job applicant, employee, notary applicant, or as authorized under federal or state law;
(ii) used for the purpose of assisting in making an employment appointment, selection, or promotion decision or for considering a notary applicant under Section 46-1-3; and
(iii) used for the purposes disclosed in the waiver signed in accordance with Subsection (4)(b).
(f) An individual who disseminates or uses information obtained from the division under Subsections (2)(c) through (j) for purposes other than those specified under Subsection (4)(e), in addition to any penalties provided under this section, is subject to civil liability.
(g)

(i) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) that obtains background check information shall provide the subject of the background check an opportunity to:
(A) request a copy of the information received; and
(B) respond to and challenge the accuracy of any information received.
(ii) An individual who is the subject of a background check and who receives a copy of the information described in Subsection (4)(g)(i) may use the information only for the purpose of reviewing, responding to, or challenging the accuracy of the information.
(h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to implement this Subsection (4).
(i) The division or the division's employees are not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsections (2)(c) through (j).

(5)
(a) Except as provided in Subsection (5)(b), (c), (d), or (e), or as otherwise authorized under state law, criminal history record information obtained from division files may be used only for the purposes for which the information was provided.
(b) A criminal history provided to an agency under Subsection (2)(f) may be provided by the agency to the individual who is the subject of the history, another licensed child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an adoption.
(c) A criminal history of a defendant provided to a criminal justice agency under Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel, upon request during the discovery process, for the purpose of establishing a defense in a criminal case.
(d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that is under contract with a state agency to provide services may, for the purposes of complying with Subsection 26B-6-410(5), provide a criminal history record to the state agency or the agency's designee.
(e) Criminal history record information obtained from a national source may be disseminated if the dissemination is authorized by a policy issued by the Criminal Justice Information Services Division or other federal law.

(6)
(a) A qualifying entity under Subsection (2)(c) may submit fingerprints to the bureau and the Federal Bureau of Investigation for a local and national background check under the provisions of the National Child Protection Act of 1993, 42 U.S.C. Sec. 5119 et seq.
(b) A qualifying entity under Subsection (2)(c) that submits fingerprints under Subsection (6)(a):
(i) shall meet all VECHS requirements for using VECHS; and
(ii) may only submit fingerprints for an employee, volunteer, or applicant who has resided in Utah for the seven years before the day on which the qualifying entity submits the employee's, volunteer's, or applicant's fingerprints.

(7)
(a) This section does not preclude the use of the division's central computing facilities for the storage and retrieval of criminal history record information.
(b) This information shall be stored so the information cannot be modified, destroyed, or accessed by unauthorized agencies or individuals.

(8) Direct access through remote computer terminals to criminal history record information in the division's files is limited to those agencies authorized by the commissioner under procedures designed to prevent unauthorized access to this information.

(9)

(a) The commissioner shall establish procedures to allow an individual right of access to review and receive a copy of the individual's criminal history report.

(b) A processing fee for the right of access service, including obtaining a copy of the individual's criminal history report under Subsection (9)(a) shall be set in accordance with Section 63J-1-504.

(c)

(i) The commissioner shall establish procedures for an individual to challenge the completeness and accuracy of criminal history record information contained in the division's computerized criminal history files regarding that individual.

(ii) These procedures shall include provisions for amending any information found to be inaccurate or incomplete.

(10) The private security agencies as provided in Subsection (2)(g):

(a) shall be charged for access; and

(b) shall be registered with the division according to rules made by the division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(11) Before providing information requested under this section, the division shall give priority to a criminal justice agency's needs.

(12)

(a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted 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, or to which access is granted by the division shall inform the commissioner and the director of the bureau of the unauthorized use.

(13)

(a) Subject to Subsection (13)(b), a qualifying entity or an entity described in Subsection (2) may request that the division register fingerprints taken for the purpose of conducting current and future criminal background checks under this section with:

(i) the WIN Database rap back system, or any successor system;

(ii) the FBI Rap Back System; or

(iii) a system maintained by the division.

(b) A qualifying entity or an entity described in Subsection (2) may only make a request under Subsection (13)(a) if the entity:

(i) has the authority through state or federal statute or federal executive order;

(ii) obtains a signed waiver from the individual whose fingerprints are being registered; and

(iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives notifications for individuals with whom the entity maintains an authorizing relationship.

(14) The division is authorized to submit fingerprints to the FBI Rap Back System to be retained in the FBI Rap Back System for the purpose of being searched by future submissions to the FBI Rap Back System, including latent fingerprint searches.

(15)

(a) The division shall impose fees set in accordance with Section 63J-1-504 for the applicant fingerprint card, name check, and to register fingerprints under Subsection (13)(a).

(b) Funds generated under this Subsection (15) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in providing the information.

(c) The division may collect fees charged by an outside agency for services required under this section.

(16) For the purposes of conducting a criminal background check authorized under Subsection (2)(h), (i), or (j), the Division of Human Resource Management, in accordance with Title 63A, Chapter 17, Utah State Personnel Management Act, and the governor's office shall have direct access to criminal background information maintained under Chapter 10, Part 2, Bureau of Criminal Identification.

(17)

(a) Except as provided in Subsection (18), if an individual has an active FBI Rap Back System subscription with a qualifying entity, the division may, upon request from another qualifying entity, clone the subscription to the requesting qualifying entity if:

(i) the requesting qualifying entity requests the clone:

(A) for the purpose of evaluating whether the individual should be permitted to obtain or retain a license for, or serve as an employee or volunteer in a position in which the individual is responsible for, the care, treatment, training, instruction, supervision, or recreation of children, the elderly, or individuals with disabilities; or

(B) for the same purpose as the purpose for which the original qualifying entity requested the criminal history record information;

(ii) the requesting qualifying entity is expressly authorized by statute to obtain criminal history record information for the individual who is the subject of the request;

(iii) before requesting the clone, the requesting qualifying entity obtains a signed waiver, containing the information described in Subsection (4)(b), from the individual who is the subject of the request;

(iv) the requesting qualifying entity or the individual pays any applicable fees set by the division in accordance with Section 63J-1-504; and

(v) the requesting qualifying entity complies with the requirements described in Subsection (4)(g).

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules regulating the process described in this Subsection (17).

(18)

(a) Subsection (17) does not apply unless the Federal Bureau of Investigation approves the use of the FBI Rap Back System for the purpose described in Subsection (17)(a)(i) under the conditions described in Subsection (17).

(b) Subsection (17) does not apply to the extent that implementation of the provisions of Subsection (17) are contrary to the requirements of the Child Care and Development Block Grant, 42 U.S.C. Secs. 9857-9858r or any other federal grant.

(19)

(a) Information received by a qualifying entity under Subsection (17) may only be disclosed and used as described in Subsection (4)(e).

(b) A person who disseminates or uses information received under Subsection (17) for a purpose other than those described in Subsection (4)(e) is subject to the penalties described in this section and is also subject to civil liability.

(c) A qualifying entity is not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsection (17).

Amended by Chapter 328, 2023 General Session

***Effective 9/1/2025***

**53-10-108 Restrictions on access, use, and contents of division records -- Limited use of records for employment purposes -- Challenging accuracy of records -- Usage fees -- Missing children records -- Penalty for misuse of records.**

(1) As used in this section:

(a) "Clone" means to copy a subscription or subscription data from a rap back system, including associated criminal history record information, from a qualified entity to another qualified entity.

(b) "FBI Rap Back System" means the rap back system maintained by the Federal Bureau of Investigation.

(c) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.

(d) "Volunteer Employee Criminal History System" or "VECHS" means a system that allows the bureau and the Federal Bureau of Investigation to provide criminal history record information to a qualifying entity, including a non-governmental qualifying entity.

(e) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.

(2) Except as provided in Subsection (17), dissemination of information from a criminal history record, including information obtained from a fingerprint background check, name check, warrant of arrest information, or information from division files, is limited to:

(a) criminal justice agencies for purposes of administration of criminal justice and for employment screening by criminal justice agencies;

(b)

(i) agencies or individuals pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice; and

(ii) the agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, and ensure the security and confidentiality of the data;

(c) a qualifying entity for employment background checks for the qualifying entity's own employees or volunteers and individuals who have applied for employment with or to serve as a volunteer for the qualifying entity;

(d) noncriminal justice agencies or individuals for any purpose authorized by statute, executive order, court rule, court order, or local ordinance;

(e) agencies or individuals for the purpose of obtaining required clearances connected with foreign travel or obtaining citizenship;

(f) agencies or individuals for the purpose of a preplacement adoptive study, in accordance with the requirements of Sections 81-13-403 and 81-13-405;

(g) private security agencies through guidelines established by the commissioner for employment background checks for their own employees and prospective employees;

(h) state agencies for the purpose of conducting a background check for the following individuals:

(i) employees;

(ii) applicants for employment;

(iii) volunteers; and

(iv) contract employees;

(i) governor's office for the purpose of conducting a background check on the following individuals:

(i) cabinet members;

(ii) judicial applicants; and

(iii) members of boards, committees, and commissions appointed by the governor;

(j) the office of the lieutenant governor for the purpose of conducting a background check on an individual applying to be a notary public under Section 46-1-3;

(k) agencies and individuals as the commissioner authorizes for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency; and

(l) other agencies and individuals as the commissioner authorizes and finds necessary for protection of life and property and for offender identification, apprehension, and prosecution pursuant to an agreement.

(3) An agreement under Subsection (2)(k) shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of individuals to whom the information relates, and ensure the confidentiality and security of the data.

(4)

(a) Before requesting information, a qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a signed waiver from the person whose information is requested.

(b) The waiver shall notify the signee:

(i) that a criminal history background check will be conducted;

(ii) who will see the information; and

(iii) how the information will be used.

(c) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal justice name based background check of local databases to the bureau shall provide to the bureau:

(i) personal identifying information for the subject of the background check; and

(ii) the fee required by Subsection (15).

(d) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (g) that submits a request for a WIN database check and a nationwide background check shall provide to the bureau:

(i) personal identifying information for the subject of the background check;

(ii) a fingerprint card for the subject of the background check; and

(iii) the fee required by Subsection (15).

(e) Information received by a qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) may only be:

(i) available to individuals involved in the hiring or background investigation of the job applicant, employee, notary applicant, or as authorized under federal or state law;

(ii) used for the purpose of assisting in making an employment appointment, selection, or promotion decision or for considering a notary applicant under Section 46-1-3; and

(iii) used for the purposes disclosed in the waiver signed in accordance with Subsection (4)(b).

(f) An individual who disseminates or uses information obtained from the division under Subsections (2)(c) through (j) for purposes other than those specified under Subsection (4)(e), in addition to any penalties provided under this section, is subject to civil liability.

(g)

(i) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) that obtains background check information shall provide the subject of the background check an opportunity to:

(A) request a copy of the information received; and

(B) respond to and challenge the accuracy of any information received.

(ii) An individual who is the subject of a background check and who receives a copy of the information described in Subsection (4)(g)(i) may use the information only for the purpose of reviewing, responding to, or challenging the accuracy of the information.

(h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to implement this Subsection (4).

(i) The division or the division's employees are not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsections (2)(c) through (j).

(5)

(a) Except as provided in Subsection (5)(b), (c), (d), or (e), or as otherwise authorized under state law, criminal history record information obtained from division files may be used only for the purposes for which the information was provided.

(b) A criminal history provided to an agency under Subsection (2)(f) may be provided by the agency to the individual who is the subject of the history, another licensed child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an adoption.

(c) A criminal history of a defendant provided to a criminal justice agency under Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel, upon request during the discovery process, for the purpose of establishing a defense in a criminal case.

(d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that is under contract with a state agency to provide services may, for the purposes of complying with Subsection 26B-6-410(5), provide a criminal history record to the state agency or the agency's designee.

(e) Criminal history record information obtained from a national source may be disseminated if the dissemination is authorized by a policy issued by the Criminal Justice Information Services Division or other federal law.

(6)

(a) A qualifying entity under Subsection (2)(c) may submit fingerprints to the bureau and the Federal Bureau of Investigation for a local and national background check under the provisions of the National Child Protection Act of 1993, 42 U.S.C. Sec. 5119 et seq.

(b) A qualifying entity under Subsection (2)(c) that submits fingerprints under Subsection (6)(a):

(i) shall meet all VECHS requirements for using VECHS; and

(ii) may only submit fingerprints for an employee, volunteer, or applicant who has resided in Utah for the seven years before the day on which the qualifying entity submits the employee's, volunteer's, or applicant's fingerprints.

(7)

(a) This section does not preclude the use of the division's central computing facilities for the storage and retrieval of criminal history record information.

(b) This information shall be stored so the information cannot be modified, destroyed, or accessed by unauthorized agencies or individuals.

(8) Direct access through remote computer terminals to criminal history record information in the division's files is limited to those agencies authorized by the commissioner under procedures designed to prevent unauthorized access to this information.

(9)

(a) The commissioner shall establish procedures to allow an individual right of access to review and receive a copy of the individual's criminal history report.

(b) A processing fee for the right of access service, including obtaining a copy of the individual's criminal history report under Subsection (9)(a) shall be set in accordance with Section 63J-1-504.

(c)
(i) The commissioner shall establish procedures for an individual to challenge the completeness and accuracy of criminal history record information contained in the division's computerized criminal history files regarding that individual.
(ii) These procedures shall include provisions for amending any information found to be inaccurate or incomplete.
(10) The private security agencies as provided in Subsection (2)(g):
(a) shall be charged for access; and
(b) shall be registered with the division according to rules made by the division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(11) Before providing information requested under this section, the division shall give priority to a criminal justice agency's needs.
(12)
(a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted 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, or to which access is granted by the division shall inform the commissioner and the director of the bureau of the unauthorized use.
(13)
(a) Subject to Subsection (13)(b), a qualifying entity or an entity described in Subsection (2) may request that the division register fingerprints taken for the purpose of conducting current and future criminal background checks under this section with:
(i) the WIN Database rap back system, or any successor system;
(ii) the FBI Rap Back System; or
(iii) a system maintained by the division.
(b) A qualifying entity or an entity described in Subsection (2) may only make a request under Subsection (13)(a) if the entity:
(i) has the authority through state or federal statute or federal executive order;
(ii) obtains a signed waiver from the individual whose fingerprints are being registered; and
(iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives notifications for individuals with whom the entity maintains an authorizing relationship.
(14) The division is authorized to submit fingerprints to the FBI Rap Back System to be retained in the FBI Rap Back System for the purpose of being searched by future submissions to the FBI Rap Back System, including latent fingerprint searches.
(15)
(a) The division shall impose fees set in accordance with Section 63J-1-504 for the applicant fingerprint card, name check, and to register fingerprints under Subsection (13)(a).
(b) Funds generated under this Subsection (15) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in providing the information.
(c) The division may collect fees charged by an outside agency for services required under this section.
(16) For the purposes of conducting a criminal background check authorized under Subsection (2)(h), (i), or (j), the Division of Human Resource Management, in accordance with Title 63A, Chapter 17, Utah State Personnel Management Act, and the governor's office shall have direct

access to criminal background information maintained under Chapter 10, Part 2, Bureau of Criminal Identification.

(17)

(a) Except as provided in Subsection (18), if an individual has an active FBI Rap Back System subscription with a qualifying entity, the division may, upon request from another qualifying entity, clone the subscription to the requesting qualifying entity if:

(i) the requesting qualifying entity requests the clone:

(A) for the purpose of evaluating whether the individual should be permitted to obtain or retain a license for, or serve as an employee or volunteer in a position in which the individual is responsible for, the care, treatment, training, instruction, supervision, or recreation of children, the elderly, or individuals with disabilities; or

(B) for the same purpose as the purpose for which the original qualifying entity requested the criminal history record information;

(ii) the requesting qualifying entity is expressly authorized by statute to obtain criminal history record information for the individual who is the subject of the request;

(iii) before requesting the clone, the requesting qualifying entity obtains a signed waiver, containing the information described in Subsection (4)(b), from the individual who is the subject of the request;

(iv) the requesting qualifying entity or the individual pays any applicable fees set by the division in accordance with Section 63J-1-504; and

(v) the requesting qualifying entity complies with the requirements described in Subsection (4)(g).

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules regulating the process described in this Subsection (17).

(18)

(a) Subsection (17) does not apply unless the Federal Bureau of Investigation approves the use of the FBI Rap Back System for the purpose described in Subsection (17)(a)(i) under the conditions described in Subsection (17).

(b) Subsection (17) does not apply to the extent that implementation of the provisions of Subsection (17) are contrary to the requirements of the Child Care and Development Block Grant, 42 U.S.C. Secs. 9857-9858r or any other federal grant.

(19)

(a) Information received by a qualifying entity under Subsection (17) may only be disclosed and used as described in Subsection (4)(e).

(b) A person who disseminates or uses information received under Subsection (17) for a purpose other than those described in Subsection (4)(e) is subject to the penalties described in this section and is also subject to civil liability.

(c) A qualifying entity is not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsection (17).

Amended by Chapter 426, 2025 General Session

**53-10-109 Telecommunications systems.**

For the purpose of expediting local, state, national, and international efforts in the detection and apprehension of criminals, the division may operate and coordinate telecommunications systems as may be required in the conduct of its duties under this part.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-110 Authority of officers and officials to take fingerprints, photographs, and other data.**

The officers and officials described in Sections 53-10-207 through 53-10-209 shall take, or cause to be taken, fingerprints, photographs, and other related data of persons under this part.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-111 Refusal to provide information -- False information -- Misdemeanor.**

It is a class B misdemeanor for a person to:
(1) neglect or refuse to provide, or willfully withhold any information under this part;
(2) willfully provide false information;
(3) willfully fail to do or perform any act required under this part;
(4) hinder or prevent another from doing an act required under this part; or
(5) willfully remove, destroy, alter, mutilate, or disclose the contents of any file or record created or maintained, or to which access is granted by the division unless authorized by and in compliance with procedures established by the division.

Amended by Chapter 243, 2011 General Session

**53-10-112 Director and officers to have peace officer powers.**

The director and enforcement officers:
(1) are vested with the powers of peace officers throughout the several counties of the state, with the exception of the power to serve civil process;
(2) have the powers and duties of inspectors under Title 32B, Alcoholic Beverage Control Act;
(3) may serve criminal process and arrest and prosecute violators of any law of this state; and
(4) have the same rights as other peace officers to require aid in executing their duties.

Amended by Chapter 276, 2010 General Session

**53-10-113 Other agencies to cooperate with division.**

(1) All agencies of the state and local governments shall cooperate with the division in discharging its responsibilities under:
  (a) this chapter;
  (b) Title 32B, Alcoholic Beverage Control Act;
  (c) Title 58, Chapter 37, Utah Controlled Substances Act;
  (d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
  (e) Title 58, Chapter 37b, Imitation Controlled Substances Act; and
  (f) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act.
(2) This part does not relieve local law enforcement agencies or officers of the responsibility of enforcing laws relating to alcoholic beverages and alcoholic products or any other laws.
(3) The powers and duties conferred upon the director and the officers of the division are not a limitation upon the powers and duties of other peace officers in the state.

Amended by Chapter 276, 2010 General Session

**53-10-114 Authority regarding drug precursors.**

(1) As used in this section, "acts" means:

(a) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and
(b) Title 58, Chapter 37d, Clandestine Drug Lab Act.
(2) The division has authority to enforce the drug lab and precursor acts. To carry out this purpose, the division may:
(a) inspect, copy, and audit any records, inventories of controlled substance precursors, and reports required under the acts and rules adopted under the acts;
(b) enter the premises of regulated distributors and regulated purchasers during normal business hours to conduct administrative inspections;
(c) assist the law enforcement agencies of the state in enforcing the acts;
(d) conduct investigations to enforce the acts;
(e) present evidence obtained from investigations conducted in conjunction with appropriate county and district attorneys and the Office of the Attorney General for civil or criminal prosecution or for administrative action against a licensee; and
(f) work in cooperation with the Division of Professional Licensing, created under Section 58-1-103, to accomplish the purposes of this section.

Amended by Chapter 415, 2022 General Session

**53-10-115 Cold case database.**
(1) As used in this section, "cold case" means an investigation into any crime listed in Subsections 76-1-301(2)(a) through (g), or regarding a missing person, that remains unsolved at least three years after the crime occurred or the individual went missing.
(2) The division shall develop a secure database within the Utah Criminal Justice Information System that contains information related to each cold case that is open in any jurisdiction in the state.
(3) The division shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to specify:
(a) the information to be collected and maintained in the database; and
(b) what information may be accessed by the public.
(4) Each law enforcement agency in the state shall provide the information required by the division for inclusion in the database for each open investigation. The law enforcement agency shall maintain the physical evidence and investigation file for each case unless otherwise agreed to by the law enforcement agency and the division.
(5) The division shall maintain the information on a cold case indefinitely.

Enacted by Chapter 169, 2018 General Session

**53-10-116 National Crime Prevention and Privacy Compact ratification and implementation.**
(1) To facilitate the interstate exchange of criminal history information for noncriminal justice purposes, including background checks for licensing and screening of employees and volunteers, the National Crime Prevention and Privacy Compact, 42 U.S.C. 14616, is ratified and incorporated by reference as law in this state.
(2) The division is the central repository of criminal history records for purposes of the compact and shall do all things necessary or incidental to carrying out the compact.
(3) The director, or director's designee, is the state's compact officer and shall administer the compact within the state.
(4) The division may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and establish procedures for the cooperative exchange of criminal history

records between the state, other state governments, and with the federal government for use in noncriminal justice background checks.
(5) The compact and this section do not affect the duties and responsibilities of the division under other provisions of this chapter regarding the dissemination of criminal history records within the state.

Enacted by Chapter 42, 2018 General Session

**53-10-117 Law enforcement agency with school resource officer unit -- Policy.**
(1) A law enforcement agency with a school resource officer unit shall develop a school resource officer policy.
(2) The law enforcement agency shall ensure the policy described in Subsection (1) includes:
(a) the process for assignment and selection of a school resource officer;
(b) required training of a school resource officer;
(c) internal reporting requirements;
(d) arrest and use of force protocols;
(e) general oversight and accountability; and
(f) other duties required of a school resource officer.
(3) The state security chief described in Section 53-22-102 shall create a model policy consistent with this section.
(4) A law enforcement agency may adopt the model policy described in Subsection (3).

Enacted by Chapter 21, 2024 General Session

**53-10-118 Collection of driving under the influence crash and arrest data.**
(1)
(a) The division shall collect from every law enforcement agency the following data concerning a crash that appears to be connected with a driving under the influence offense:
(i) whether the impaired driver was injured or killed;
(ii) whether any other individual was injured or killed;
(iii) whether there was damage to real or personal property;
(iv) the following results or findings regarding the impaired driver's impairment:
(A) blood, breath, or urine alcohol concentration readings; and
(B) blood, urine, chemical, or similar tests detecting alcohol or other drugs in an individual; and
(v) if applicable, the name of the establishment that provided the alcohol to the impaired driver.
(b) The division shall collect from every law enforcement agency the following data for every arrest made for a suspected driving under the influence offense, including those that are unrelated to a crash described in Subsection (1)(a):
(i) the data described in Subsections (1)(a)(iv) and (v); and
(ii) if there were any injuries, deaths, or property damage based on the driving under the influence incident, a description of the injuries, deaths, or damages.
(c) In accordance with Section 53-25-104, a law enforcement agency shall provide the information described in Subsections (1)(a) and (b) in the form and manner requested by the division.
(2) The division shall provide the information collected under Subsection (1) to the Commission on Criminal and Juvenile Justice for use in the annual report described in Section 41-6a-511.

Enacted by Chapter 252, 2025 General Session

## Part 2
## Bureau of Criminal Identification

**53-10-201 Bureau of Criminal Identification -- Creation -- Bureau Chief appointment, qualifications, and compensation.**

(1) There is created within the division the Bureau of Criminal Identification.
(2) The bureau shall be administered by a bureau chief appointed by the division director with the approval of the commissioner.
(3) The bureau chief shall be experienced in administration and possess additional qualifications as determined by the commissioner or division director and as provided by law.
(4) The bureau chief acts under the supervision and control of the division director and may be removed from his position at the will of the commissioner.
(5) The bureau chief shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-10-202 Criminal identification -- Duties of bureau.**

The bureau shall:
(1) procure and file information relating to identification and activities of persons who:
  (a) are fugitives from justice;
  (b) are wanted or missing;
  (c) have been arrested for or convicted of a crime under the laws of any state or nation; and
  (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
(2) establish a statewide uniform crime reporting system that shall include:
  (a) statistics concerning general categories of criminal activities;
  (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate;
  (c) statistics concerning the use of force by law enforcement officers in accordance with the Federal Bureau of Investigation's standards; and
  (d) other statistics required by the Federal Bureau of Investigation;
(3) make a complete and systematic record and index of the information obtained under this part;
(4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data obtained under this part;
(5) publish an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;
(6) establish a statewide central register for the identification and location of missing persons, which may include:
  (a) identifying data including fingerprints of each missing person;
  (b) identifying data of any missing person who is reported as missing to a law enforcement agency having jurisdiction;
  (c) dates and circumstances of any persons requesting or receiving information from the register; and

(d) any other information, including blood types and photographs found necessary in furthering the purposes of this part;
(7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons;
(8) list the name of every missing person with the appropriate nationally maintained missing persons lists;
(9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons;
(10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies;
(11) receive information regarding missing persons as provided in Sections 26B-8-130 and 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401;
(12) adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement;
(13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 53-5a-105;
(14) check certain criminal records databases for information regarding motor vehicle salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of Section 41-3-205.5;
(15) check certain criminal records databases for information regarding driving privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders and inform the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security when new entries are made in accordance with the requirements of Section 53-3-205.5;
(16) review and approve or disapprove applications for license renewal that meet the requirements for renewal; and
(17) forward to the board those applications for renewal under Subsection (16) that do not meet the requirements for renewal.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-10-202.5 Bureau services -- Fees.**

The bureau shall collect fees for the following services:
(1) applicant fingerprint card as determined by Section 53-10-108;
(2) bail enforcement licensing as determined by Section 53-11-115;
(3) concealed firearm permit as determined by Section 53-5a-307;
(4) provisional concealed firearm permit as determined by Section 53-5a-308;
(5) a certificate of eligibility for expungement as described in Section 77-40a-304;
(6) firearm purchase background check as determined by Section 53-5a-602;
(7) name check as determined by Section 53-10-108;
(8) private investigator licensing as determined by Section 53-9-111; and
(9) right of access as determined by Section 53-10-108.

Amended by Chapter 208, 2025 General Session

**53-10-203 Missing persons -- Reports -- Notification.**

(1) Each law enforcement agency that is investigating the report of a missing person shall provide information regarding that report to the division. The report shall include descriptive information and the date and location of the last-known contact with the missing person.
(2) The division shall notify the state registrar of Vital Statistics and the FBI National Crime Information Center of all missing persons reported in accordance with Subsection (1) and shall provide the state registrar with information concerning the identity of those missing persons.
(3) If the division has reason to believe that a missing person reported in accordance with Subsection (1) has been enrolled in a specific school in this state, the division shall also notify the last-known school of that report.
(4) Upon learning of the recovery of a missing person, the division shall notify the state registrar and any school that it has previously informed of the person's disappearance.
(5) The division shall, by rule, determine the manner and form of reports, notices, and information required by this section.
(6) Upon notification by the state registrar or school personnel that a request for a birth certificate, school record, or other information concerning a missing person has been made, or that an investigation is needed in accordance with Section 53G-6-603, the division shall immediately notify the local law enforcement authority.

Amended by Chapter 415, 2018 General Session

**53-10-204 Missing person records -- Confidentiality -- Availability.**

Inquiries made regarding missing persons are confidential and are available only to:
(1) a law enforcement agency investigating a report of a missing person;
(2) an agency having the responsibility or authority to care for, treat, or supervise a person who is the subject of a placement in temporary or substitute care or an adoption proceeding;
(3) a court, upon a finding that access to the records may be necessary for the determination of an issue before it;
(4) the office of the public prosecutor or its deputies;
(5) any person engaged in bona fide research when approved by the director of the division, excluding names and addresses; and
(6) entities or persons authorized to receive the information in accordance with Section 53-10-203.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-205 Uniform crime reporting system -- Reporting timelines and use of data.**

(1) The data acquired under the statewide uniform crime reporting system shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime or law enforcement officer.
(2) A law enforcement agency shall, for the jurisdiction of the law enforcement agency, submit crime reporting and use of force data requested or required by the statewide uniform crime reporting system described in Section 53-10-202:
  (a) to the bureau before the 16th day of the month after the month in which a reported crime occurs; and
  (b) in a manner prescribed by the bureau and in compliance with the requirements of the Federal Bureau of Investigation's uniform crime reporting standards.

(3) Upon request of the bureau, a law enforcement agency shall review and verify crime reporting data within 10 business days after the day on which the law enforcement agency receives the request.

Amended by Chapter 103, 2021 General Session

**53-10-206 Collection of information.**

The commissioner and persons designated by the commissioner may require all peace officers, the warden of the state prison, the keeper of any jail or correctional institution, or superintendent of the state hospital to obtain information that will aid in establishing the records required to be kept.

Amended by Chapter 302, 2025 General Session

**53-10-207 Peace officers, prosecutors, and magistrates to supply information to state and F.B.I. -- Notification of arrest based on warrant.**

(1) Every peace officer shall:
  (a) cause fingerprints of persons the peace officer has arrested to be taken on forms provided by the division and the Federal Bureau of Investigation;
  (b) supply information requested on the forms; and
  (c) forward without delay both copies to the division, which shall forward the F.B.I. copy to the Identification Division of the Federal Bureau of Investigation.
(2) If, after fingerprints have been taken in accordance with Subsection (1), the prosecutor declines to prosecute, or investigative action as described in Section 77-2-3 is terminated, the prosecutor or law enforcement agency shall notify the division of this action within 14 working days.
(3) At the preliminary hearing or arraignment of a felony case, the prosecutor shall ensure that each felony defendant has been fingerprinted and an arrest and fingerprint form is transmitted to the division. In felony cases where fingerprints have not been taken, the judge shall order the chief law enforcement officer of the jurisdiction or the sheriff of the county to:
  (a) cause fingerprints of each felony defendant to be taken on forms provided by the division;
  (b) supply information requested on the forms; and
  (c) forward without delay both copies to the division.
(4) If an arrest is based upon information about the existence of a criminal warrant of arrest or commitment under Rule 6, Utah Rules of Criminal Procedure, every peace officer shall without delay notify the division of the service of each warrant of arrest or commitment, in a manner specified by the division.

Amended by Chapter 302, 2025 General Session

**53-10-208 Definition -- Offenses included on statewide warrant system -- Transportation fee to be included -- Statewide warrant system responsibility -- Quality control -- Training -- Technical support -- Transaction costs.**

(1) "Statewide warrant system" means the portion of the state court computer system that is accessible by modem from the state mainframe computer and contains:
  (a) records of criminal warrant information; and
  (b) after notice and hearing, records of protective orders issued pursuant to:
    (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;
    (ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;

(iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;
(iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or
(v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

(2)
(a) The division shall include on the statewide warrant system all warrants issued for felony offenses and class A, B, and C misdemeanor offenses in the state.
(b) The division shall include on the statewide warrant system all warrants issued for failure to appear on a traffic citation as ordered by a magistrate under Subsection 77-7-19(3).
(c) For each warrant, the division shall indicate whether the magistrate ordered under Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in court.

(3) The division is the agency responsible for the statewide warrant system and shall:
(a) ensure quality control of all warrants of arrest or commitment and protective orders contained in the statewide warrant system by conducting regular validation checks with every clerk of a court responsible for entering the information on the system;
(b) upon the expiration of the protective orders and in the manner prescribed by the division, purge information regarding protective orders described in Subsection 53-10-208.1(1)(d) within 30 days of the time after expiration;
(c) establish system procedures and provide training to all criminal justice agencies having access to information contained on the state warrant system;
(d) provide technical support, program development, and systems maintenance for the operation of the system; and
(e) pay data processing and transaction costs for state, county, and city law enforcement agencies and criminal justice agencies having access to information contained on the state warrant system.

(4)
(a) Any data processing or transaction costs not funded by legislative appropriation shall be paid on a pro rata basis by all agencies using the system during the fiscal year.
(b) This Subsection (4) supersedes any conflicting provision in Subsection (3)(e).

Amended by Chapter 159, 2021 General Session

**53-10-208.1 Magistrates and court clerks to supply information.**

(1) Every magistrate or clerk of a court responsible for court records in this state shall, within 30 days after the day of the disposition and on forms and in the manner provided by the division, furnish the division with information pertaining to:
(a) all dispositions of criminal matters, including:
(i) guilty pleas;
(ii) convictions;
(iii) dismissals;
(iv) acquittals;
(v) pleas in abeyance;
(vi) judgments of not guilty by reason of insanity;
(vii) judgments of guilty with a mental condition;
(viii) finding of mental incompetence to stand trial; and
(ix) probations granted;
(b) orders of civil commitment under the terms of Section 26B-5-332;

(c) the issuance, recall, cancellation, or modification of all warrants of arrest or commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section 78B-6-303, within one day of the action and in a manner provided by the division; and
(d) protective orders issued after notice and hearing, pursuant to:
(i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;
(ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;
(iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;
(iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or
(v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.
(2) When transmitting information on a criminal matter under Subsection (1)(a)(i), (ii), (v), or (vii) for a conviction of misdemeanor assault under Section 76-5-102, the magistrate or clerk of a court shall include available information regarding whether the conviction for assault resulted from an assault against an individual:
(a) who is included in at least one of the relationship categories described in Subsection 76-11-303(13); or
(b) with whom none of the relationships described in Subsection 76-11-303(13) apply.
(3) The court in the county where a determination or finding was made shall transmit a record of the determination or finding to the bureau no later than 48 hours after the determination is made, excluding Saturdays, Sundays, and legal holidays, if an individual is:
(a) adjudicated as a mental defective; or
(b) involuntarily committed to a mental institution in accordance with Subsection 26B-5-332(16).
(4) The record described in Subsection (3) shall include:
(a) an agency record identifier;
(b) the individual's name, sex, race, and date of birth; and
(c) the individual's social security number, government issued driver license or identification number, alien registration number, government passport number, state identification number, or FBI number.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-10-209 Penal institutions and state hospital to supply information.**
(1) The warden of the state prison, keeper of any jail or correctional institution, and superintendent of the state hospital shall forward to the division:
(a) the fingerprints and recent photographs of all persons confined in each institution under criminal commitment;
(b) information relating to the parole, termination or expiration of sentence, or any other release of each person from confinement during the preceding month; and
(c) a photograph taken near the time of release.
(2) The Division of Adult Probation and Parole created in Section 64-14-202 shall furnish to the division:
(a) information relating to the revocation or termination of probation or parole; and
(b) upon request, the names, fingerprints, photographs, and other data.
(3) The chair of the Board of Pardons and Parole shall provide to the division information regarding the issuance, recall, cancellation, or modification of any warrant issued by members of the Board of Pardons and Parole, under Section 77-27-11, within one day of issuance.
(4) Information provided to the division under this section shall be on forms designated by the division.

Amended by Chapter 214, 2025 General Session

**53-10-210 Response for requests -- Fees.**

(1) In responding to requests for criminal background checks, the division shall make an earnest effort to provide the requested information within three weeks of receipt of a request.

(2) Fees and other payments received by the division in payment for criminal background check services shall be deposited in the General Fund and the Legislature shall make an annual appropriation for payment of personnel and other costs incurred in providing those services.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-211 Notice required of arrest of school employee for controlled substance or sex offense.**

(1) The chief administrative officer of the law enforcement agency making the arrest or receiving notice under Subsection (2) shall immediately notify:

(a) the State Board of Education; and

(b) the superintendent of schools of the employing public school district or, if the offender is an employee of a private school, the administrator of that school.

(2) Subsection (1) applies upon:

(a) the arrest of any school employee for any offense:

(i) in Section 58-37-8;

(ii) in Title 76, Chapter 5, Part 4, Sexual Offenses; or

(iii) involving sexual conduct; or

(b) upon receiving notice from any other jurisdiction that a school employee has committed an act which would, if committed in Utah, be an offense under Subsection (2)(a).

Amended by Chapter 144, 2016 General Session

**53-10-212 Supplies and equipment for compliance by reporting agencies.**

All governing boards or commissions of each city, town, county, or correctional institution of the state shall furnish the appropriate officials with supplies and equipment necessary to perform the duties prescribed in this part.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-213 Reporting requirements.**

(1) The bureau shall submit the record received from the court in accordance with Subsection 78B-7-603(5)(e) to the National Crime Information Center within 48 hours of receipt, excluding Saturdays, Sundays, and legal holidays.

(2) The bureau shall submit the record received from the court in accordance with Subsection 53-10-208.1(3) to the National Instant Criminal Background Check System within 48 hours of receipt, excluding Saturdays, Sundays, and legal holidays.

Amended by Chapter 397, 2023 General Session

**53-10-214 Reporting requirements.**

The bureau shall submit a record received pursuant to Section 53-10-208.1 for all nonextraditable warrants issued for violent felonies as defined in Section 76-3-203.5 and all nonextraditable warrants issued for knowingly failing to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, for a sexual offense pursuant to Section 53-29-305 to the National Crime Information Center within 48 hours of receipt, excluding Saturdays, Sundays, and legal holidays.

Amended by Chapter 291, 2025 General Session

## Part 3
## State Bureau of Investigation

**53-10-301 State Bureau of Investigation -- Creation -- Bureau chief appointment, qualifications, and compensation.**

(1) There is created within the division the State Bureau of Investigation.
(2) The bureau shall be administered by a bureau chief appointed by the division director with the approval of the commissioner.
(3) The bureau chief shall be experienced in administration and possess additional qualifications as determined by the division director and as provided by law.
(4) The bureau chief acts under the supervision and control of the division director and may be removed from his position at the will of the commissioner.
(5) The bureau chief shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-10-302 Bureau duties.**

The bureau shall:
(1) provide assistance and investigative resources to divisions within the Department of Public Safety;
(2) upon request, provide assistance and specialized law enforcement services to local law enforcement agencies;
(3) conduct financial investigations regarding suspicious cash transactions, fraud, and money laundering;
(4) investigate criminal activity of organized crime networks, gangs, extremist groups, and others promoting violence;
(5) investigate criminal activity of terrorist groups;
(6) enforce the Utah Criminal Code;
(7) cooperate and exchange information with other state agencies and with other law enforcement agencies of government, both within and outside of this state, through a statewide information and intelligence center to obtain information that may achieve more effective results in the prevention, detection, and control of crime and apprehension of criminals, including systems described in Sections 53E-3-518, 53B-17-1202, and 63H-7a-103(14);
(8) create and maintain a statewide criminal intelligence system;
(9) provide specialized case support and investigate illegal drug production, cultivation, and sales;
(10) investigate, follow-up, and assist in highway drug interdiction cases;

(11) make rules to implement this chapter;
(12) perform the functions specified in Part 2, Bureau of Criminal Identification;
(13) provide a state cybercrime unit to investigate computer and network intrusion matters involving state-owned computer equipment and computer networks as reported under Section 76-6-705;
(14) investigate violations of Section 76-6-703 and other computer related crimes, including:
(a) computer network intrusions;
(b) denial of services attacks;
(c) computer related theft or fraud;
(d) intellectual property violations; and
(e) electronic threats;
(15) upon request, investigate the following offenses when alleged to have been committed by an individual who is currently or has been previously elected, appointed, or employed by a governmental entity:
(a) criminal offenses; and
(b) matters of public corruption; and
(16)
(a) not be prohibited from investigating crimes not specifically referred to in this section; and
(b) other agencies are not prohibited from investigating crimes referred to in this section.

Amended by Chapter 21, 2024 General Session

**53-10-304 Narcotics and alcoholic product enforcement -- Responsibility and jurisdiction.**

The bureau shall:
(1) have specific responsibility for the enforcement of all laws of the state pertaining to alcoholic beverages and alcoholic products;
(2) have general law enforcement jurisdiction throughout the state;
(3) have concurrent law enforcement jurisdiction with all local law enforcement agencies and their officers;
(4) cooperate and exchange information with any other state agency and with other law enforcement agencies of government, both within and outside this state, to obtain information that may achieve more effective results in the prevention, detection, and control of crime and apprehension of criminals;
(5) sponsor or supervise programs or projects related to prevention, detection, and control of violations of:
(a) Title 32B, Alcoholic Beverage Control Act;
(b) Title 58, Chapter 37, Utah Controlled Substances Act;
(c) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
(d) Title 58, Chapter 37b, Imitation Controlled Substances Act;
(e) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and
(f) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
(6) assist the governor in an emergency or as the governor may require.

Amended by Chapter 276, 2010 General Session

**53-10-305 Duties of bureau chief.**

The bureau chief, with the consent of the commissioner, shall do the following:

(1) conduct in conjunction with the state boards of education and higher education in state schools, colleges, and universities, an educational program concerning alcoholic beverages and alcoholic products, and work in conjunction with civic organizations, churches, local units of government, and other organizations in the prevention of alcoholic beverage, alcoholic product, and drug violations;
(2) coordinate law enforcement programs throughout the state and accumulate and disseminate information related to the prevention, detection, and control of violations of this chapter and Title 32B, Alcoholic Beverage Control Act, as it relates to storage or consumption of an alcoholic beverage or alcoholic product on premises maintained by a bar establishment licensee, or a person required to obtain a bar establishment license, as defined in Section 32B-1-102;
(3) make inspections and investigations as required by the commission and the Department of Alcoholic Beverage Services;
(4) perform other acts as may be necessary or appropriate concerning control of the use of an alcoholic beverage or alcoholic product and drugs; and
(5) make reports and recommendations to the Legislature, the governor, the commissioner, the commission, and the Department of Alcoholic Beverage Services as may be required or requested.

Amended by Chapter 447, 2022 General Session

## Part 4
## Bureau of Forensic Services

**53-10-401 Bureau of Forensic Services -- Creation -- Bureau Chief appointment, qualifications, and compensation.**
(1) There is created within the division the Bureau of Forensic Services.
(2) The bureau shall be administered by a bureau chief appointed by the division director with the approval of the commissioner.
(3) The bureau chief shall be experienced in administration of criminal justice and possess additional qualifications as determined by the commissioner or division director and as provided by law.
(4) The bureau chief acts under the supervision and control of the division director and may be removed from his position at the will of the commissioner.
(5) The bureau chief shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

**53-10-402 Bureau duties.**
The bureau shall:
(1) provide quality, timely, and comprehensive analysis of physical evidence from crime scenes and crime-related incidents submitted by federal, state, county, and municipal criminal justice agencies;
(2) provide expert testimony in courts of law regarding the scientific analysis and conclusion of forensic evidence using the most current and advanced analytical techniques and technology;

(3) ensure the safety of all laboratory employees against exposure to blood-borne pathogens, infectious materials, and any other biochemical or toxic hazard which may pose a threat to the safety and well-being of bureau employees;
(4) protect the chain of incoming evidence by ensuring all items are properly packaged, sealed, marked, stored, and delivered back to the submitting agency using established legal guidelines;
(5) adopt systems of identification, including blood and firearms analysis, to be used by the division to facilitate law enforcement;
(6) participate in establishing satellite laboratories in designated locations throughout the state;
(7) provide assistance to the medical community in establishing guidelines for the proper handling of individuals who are the victims of sexual assault; and
(8) upon request, provide law enforcement agencies technical and analytical support in the processing of crime scenes.

Enacted by Chapter 263, 1998 General Session

**53-10-403 DNA specimen analysis -- Application to offenders, including minors.**

(1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
  (a) a person who has pled guilty to or has been convicted of any of the offenses under Subsection (2)(a) or (b) on or after July 1, 2002;
  (b) a person who has pled guilty to or has been convicted by any other state or by the United States government of an offense which if committed in this state would be punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;
  (c) a person who has been booked on or after January 1, 2011, through December 31, 2014, for any offense under Subsection (2)(c);
  (d) a person who has been booked:
    (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or
    (ii) on or after January 1, 2015, for any felony offense; or
  (e) a minor:
    (i)
      (A) who is adjudicated by the juvenile court for an offense described in Subsection (2) that is within the jurisdiction of the juvenile court on or after July 1, 2002; or
      (B) who is adjudicated by the juvenile court for an offense described in Subsection (2) and is in the legal custody of the Division of Juvenile Justice and Youth Services for the offense on or after July 1, 2002; and
    (ii) who is 14 years old or older at the time of the commission of the offense described in Subsection (2).
(2) Offenses referred to in Subsection (1) are:
  (a) any felony or class A misdemeanor under the Utah Code;
  (b) any offense under Subsection (2)(a):
    (i) for which the court enters a judgment for conviction to a lower degree of offense under Section 76-3-402; or
    (ii) regarding which the court allows the defendant to enter a plea in abeyance as defined in Section 77-2a-1; or
  (c)
    (i) any violent felony as defined in Section 53-10-403.5;
    (ii) sale or use of body parts, Section 26B-8-315;
    (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;

(iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
(v) a felony violation of enticing a minor, Section 76-5-417;
(vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
(vii) a felony violation of propelling a substance or object at a correctional officer, a peace officer, or an employee or a volunteer, including health care providers, Section 76-5-102.6;
(viii) automobile homicide, Subsection 76-5-207(2)(b);
(ix) aggravated human trafficking, Section 76-5-310, and aggravated human smuggling, Section 76-5-310.1;
(x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
(xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
(xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
(xiii) sale of a child, Section 76-7-203;
(xiv) aggravated escape, Section 76-8-309.3;
(xv) a felony violation of threatened or attempted assault on an elected official, Section 76-8-313;
(xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
(xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.2;
(xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.4;
(xix) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.6;
(xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
(xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
(xxii) a felony violation of sexual battery, Section 76-5-418;
(xxiii) a felony violation of lewdness involving a child, Section 76-5-420;
(xxiv) a felony violation of abuse or desecration of a dead human body, Section 76-5-802;
(xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section 76-15-302;
(xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction, Section 76-15-303;
(xxvii) possession of a concealed firearm in the commission of a violent felony, Subsection 76-11-202(3)(c);
(xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as described in Subsection 76-9-1503(3)(b);
(xxix) aggravated commercial obstruction, Section 76-9-114;
(xxx) a felony violation of failure to register as a sex or kidnap offender, Section 53-29-305;
(xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or
(xxxii) violation of condition for release after arrest under Section 78B-7-802.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session
Amended by Chapter 291, 2025 General Session

**53-10-403.5 Definitions.**

As used in this section and Sections 53-10-403, 53-10-403.7, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406:

(1) "Adjudication" means the same as that term is defined in Section 80-1-102.
(2) "Bureau" means the Bureau of Forensic Services.
(3) "Combined DNA Index System" or "CODIS" means the program operated by the Federal Bureau of Investigation to support criminal justice DNA databases and the software used to run the databases.
(4) "Conviction" means:
  (a) a verdict or conviction;
  (b) a plea of guilty or guilty with a mental condition;
  (c) a plea of no contest; or
  (d) the acceptance by the court of a plea in abeyance.
(5) "DNA" means deoxyribonucleic acid.
(6) "DNA profile" means the patterns of fragments of DNA used to identify an individual.
(7) "DNA specimen" or "specimen" means a biological sample collected from an individual or a crime scene, or that is collected as part of an investigation.
(8) "Final judgment" means a judgment, including any supporting opinion, concerning which all appellate remedies have been exhausted or the time for appeal has expired.
(9) "Minor" means the same as that term is defined in Section 80-1-102.
(10) "Rapid DNA" means the fully automated process of developing a DNA profile.
(11) "Violent felony" means any offense under Section 76-3-203.5.

Amended by Chapter 256, 2024 General Session

**53-10-403.6 Use of Rapid DNA.**

(1) Rapid DNA technology may be used for the purposes of conducting testing of a DNA specimen obtained:
  (a) at the time of booking in accordance with Section 53-10-405; or
  (b) for non-CODIS comparison during an investigation, if a second specimen is also obtained and is submitted to the bureau or another laboratory that is a National DNA Index System participating laboratory for testing.
(2) Notwithstanding Subsection (1)(b) a second sample is not required if the sample collected was a touch DNA sample and no other specimen or sample is available.
(3) Rapid DNA technology may be used for other purposes only when conducted by the bureau in its capacity as the state's National DNA Index System participating laboratory that follows the Federal Bureau of Investigation Quality Assurance Standards for Forensic DNA Testing Laboratories.
(4) If the investigating agency submits a DNA specimen to the bureau in accordance with the provisions of this section, the bureau shall provide the results of the test directly to the local law enforcement agency that submitted the DNA specimen.

Enacted by Chapter 415, 2020 General Session

**53-10-403.7 Investigative genetic genealogy service -- Genetic genealogy database utilization -- Third-party specimens -- Requirements.**

(1) As used in this section:

(a) "Genetic genealogy company" means a company that provides a genetic genealogy database utilization or an investigative genetic genealogy service.

(b) "Genetic genealogy database utilization" means a utilization of a genetic genealogical database for the purpose of identifying potential biological relatives to a DNA profile.

(c) "Genetic information" means data acquired from an analysis of a DNA specimen.

(d) "Investigative genetic genealogy service" means the processing of an individual's DNA specimen or genetic data file to be used for a genetic genealogy database utilization.

(e) "Prosecuting agency" means the Office of the Attorney General or the office of a county attorney or district attorney, including an attorney on the staff, whether acting in a civil or criminal capacity.

(f) "Qualifying case" means an investigation of:

(i) a violent felony; or

(ii) the identity of a missing or unknown individual.

(g) "Third-party DNA specimen" means a DNA specimen obtained from an individual who is not a likely suspect in an investigation.

(2) A law enforcement agency may request an investigative genetic genealogy service or a genetic genealogy database utilization from the bureau or a genetic genealogy company if:

(a)

(i) the law enforcement agency, through the law enforcement agency's investigation, has a DNA profile from forensic evidence that the law enforcement agency reasonably believes is attributable to:

(A) the perpetrator of a crime;

(B) the remains of an unidentified individual; or

(C) a missing or unknown individual;

(ii) the case for which the law enforcement agency requires the information is a qualifying case;

(iii) a routine search of CODIS-eligible profiles, if any, developed in the case revealed no DNA matches to the DNA profile;

(iv) the law enforcement agency, the bureau, and the prosecuting agency consult regarding whether an investigative genetic genealogy service or genetic genealogy database utilization is an appropriate and necessary step in the development of information that may contribute to solving the case; and

(v) the law enforcement agency and prosecuting agency commit to further investigation of the case if the investigative genetic genealogy service or genetic genealogy database utilization produces information that may contribute to solving the case; or

(b) ordered by a court in accordance with a postconviction relief proceeding under Section 78B-9-301.

(3)

(a) Before a law enforcement agency may collect a third-party DNA specimen for the purpose of obtaining an investigative genetic genealogy service or a genetic genealogy database utilization, the law enforcement agency shall:

(i) consult with the prosecuting agency; and

(ii)

(A) obtain informed, voluntary consent from the individual providing the third-party DNA specimen; or

(B) if the law enforcement agency concludes that the case-specific circumstances provide reasonable grounds to believe that a request for informed, voluntary consent would compromise the integrity of the investigation, obtain from the prosecuting agency authorization for a covert collection of the third-party DNA specimen.

(b) Before obtaining a third-party DNA specimen in accordance with Subsection (3)(a)(ii)(B), a law enforcement agency shall, if applicable, request the prosecuting agency to notify and consult with the prosecuting agency in the jurisdiction in which the sample will be covertly collected to ensure that all applicable laws and procedures are followed.

(c) A law enforcement agency that obtains a DNA specimen in accordance with Subsection (3)(a)(ii)(B) shall obtain and process the DNA specimen in a lawful manner including, if necessary, obtaining a search warrant.

(4) A law enforcement agency or a prosecuting agency may only use a third-party DNA specimen obtained under Subsection (3) to:

(a) identify a possible suspect;

(b) exonerate a possible suspect; or

(c) identify a missing or unknown individual.

(5) When requesting an investigative genetic genealogy service or genetic genealogy database utilization from a genetic genealogy company under Subsection (2), a law enforcement agency shall:

(a) disclose to the genetic genealogy company that the request is from a law enforcement agency;

(b) only make a request to a genetic genealogy company that:

(i) provides notice to the genetic genealogy company's service users and the public that law enforcement may use the genetic genealogy company's services to investigate crimes or to identify unidentified human remains;

(ii) allows a user to:

(A) opt in or out of having the user's data be accessible in an investigation requested by law enforcement; and

(B) access the genetic genealogy company's services even if the user opts out of having the user's data be accessible in an investigation requested by law enforcement; and

(iii) has a policy that prevents the genetic genealogy company from compiling, selling, licensing, or transferring to a third party any data generated by the genetic genealogy company concerning a victim, crime scene, or suspect;

(c) confirm that the request is permitted under the terms of service for the genetic genealogy company; and

(d) if possible, configure or request the genetic genealogy company to configure service site user settings that control access to the DNA submitted by the law enforcement agency and associated account information in a manner that will prevent the information from being viewed by other service users.

(6)

(a) Before an individual may be arrested as a suspect in a crime for which an investigative genetic genealogy service or genetic genealogy database utilization has been conducted under Subsection (2)(a) and the investigative genetic genealogy service or genetic genealogy database utilization has aided in the identification of the individual as a suspect, the law enforcement agency and the bureau shall verify with confirmatory genetic testing that the DNA obtained from the crime scene could have originated from the individual unless the law enforcement agency or the prosecuting agency has sufficient evidence outside of

the investigative genetic genealogy service or genetic genealogy database utilization to independently support the individual's arrest.

(b) After an individual has been charged with an offense after an investigative genetic genealogy service or a genetic genealogy database utilization has been conducted for that offense, the law enforcement agency shall:

(i) if applicable, verify with confirmatory genetic testing that the DNA obtained from the crime scene could have originated from the individual;

(ii) if applicable, make a prompt, formal request to the genetic genealogy company to:

(A) provide the DNA information and any associated account information related to the charged crime directly to the law enforcement agency; and

(B) remove the DNA information and any associated account information held by the genetic genealogy company;

(iii) if applicable, document the request described in Subsection (6)(b)(ii); and

(iv) retain the information received from the genetic genealogy company or the bureau for use during prosecution and subsequent judicial proceedings.

(7) A law enforcement agency or a prosecuting agency:

(a) may not request an investigative genetic genealogy service or a genetic genealogy database utilization except as provided in this section;

(b) shall ensure that genetic information obtained under this section is used only for law enforcement purposes or postconviction relief purposes under Section 78B-9-301; and

(c) shall ensure that a DNA specimen and associated genetic information is:

(i) retained in conformance with applicable laws; and

(ii) destroyed once permitted under applicable laws.

(8)

(a) A violation of this section does not confer standing to a criminal defendant to request the suppression of evidence unless a court determines that the violation led to a deprivation of the defendant's constitutional rights.

(b)

(i) If a court in a civil suit finds that an employee or agent of a law enforcement agency knowingly has violated a provision of this section, the court shall order that the employee or agent may not participate in another investigative genetic genealogy service or genetic genealogy database utilization under this section for one year.

(ii) A finding or order under Subsection (8)(b)(i) may not constitute cause for a judgment for monetary damages or attorney fees against the state or a governmental entity or an individual employed by the state or a governmental entity.

Enacted by Chapter 500, 2023 General Session

**53-10-404 DNA specimen analysis -- Requirement to obtain the specimen.**

(1) As used in this section, "person" means a person or minor described in Section 53-10-403.

(2)

(a) A person under Section 53-10-403 or any person required to register as a sex offender, kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, shall provide a DNA specimen and shall reimburse the agency responsible for obtaining the DNA specimen $150 for the cost of obtaining the DNA specimen unless:

(i) the person was booked under Section 53-10-403 and is not required to reimburse the agency under Section 53-10-404.5; or

(ii) the agency determines the person lacks the ability to pay.

(b)

(i)

(A) The responsible agencies shall establish guidelines and procedures for determining if the person is able to pay the fee.

(B) An agency's implementation of Subsection (2)(b)(i) meets an agency's obligation to determine an inmate's ability to pay.

(ii) An agency's guidelines and procedures may provide for the assessment of $150 on the inmate's county trust fund account and may allow a negative balance in the account until the $150 is paid in full.

(3)

(a)

(i) All fees collected under Subsection (2) shall be deposited into the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than $25 per individual specimen for the costs of obtaining the saliva DNA specimen.

(ii) The agency collecting the $150 fee may not retain from each separate fee more than $25, and no amount of the $150 fee may be credited to any other fee or agency obligation.

(b) The responsible agency shall determine the method of collecting the DNA specimen. Unless the responsible agency determines there are substantial reasons for using a different method of collection or the person refuses to cooperate with the collection, the preferred method of collection shall be obtaining a saliva specimen.

(c) The responsible agency may use reasonable force, as established by its guidelines and procedures, to collect the DNA sample if the person refuses to cooperate with the collection.

(d) If the judgment places the person on probation, the person shall submit to the obtaining of a DNA specimen as a condition of the probation.

(e)

(i) Under this section a person is required to provide one DNA specimen and pay the collection fee as required under this section.

(ii) The person shall provide an additional DNA specimen only if the DNA specimen previously provided is not adequate for analysis.

(iii) The collection fee is not imposed for a second or subsequent DNA specimen collected under this section.

(f) Any agency that is authorized to obtain a DNA specimen under this part may collect any outstanding amount of a fee due under this section from any person who owes any portion of the fee and deposit the amount in the DNA Specimen Restricted Account created in Section 53-10-407.

(4)

(a) The responsible agency shall cause a DNA specimen to be obtained as soon as possible and transferred to the Department of Public Safety:

(i) after a conviction or an adjudication by the juvenile court;

(ii) on and after January 1, 2011, through December 31, 2014, after the booking of a person for any offense under Subsection 53-10-403(1)(c); and

(iii) on and after January 1, 2015, after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(ii).

(b) On and after May 13, 2014, through December 31, 2014, the responsible agency may cause a DNA specimen to be obtained and transferred to the Department of Public Safety after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(i).

(c) If notified by the Department of Public Safety that a DNA specimen is not adequate for analysis, the agency shall, as soon as possible:
(i) obtain and transmit an additional DNA specimen; or
(ii) request that another agency that has direct access to the person and that is authorized to collect DNA specimens under this section collect the necessary second DNA specimen and transmit it to the Department of Public Safety.
(d) Each agency that is responsible for collecting DNA specimens under this section shall establish:
(i) a tracking procedure to record the handling and transfer of each DNA specimen it obtains; and
(ii) a procedure to account for the management of all fees it collects under this section.
(5)
(a) The Department of Corrections is the responsible agency whenever the person is committed to the custody of or is under the supervision of the Division of Adult Probation and Parole created in Section 64-14-202.
(b) If a minor described in Subsection 53-10-403(3) is not committed to the legal custody of the Division of Juvenile Justice and Youth Services upon an adjudication, the juvenile court is the responsible agency regarding the collection of a DNA specimen from the minor.
(c) If a minor described in Subsection 53-10-403(3) is committed to the legal custody of the Division of Juvenile Justice and Youth Services upon an adjudication, the Division of Juvenile Justice and Youth Services is the responsible agency regarding the collection of a DNA specimen from the minor.
(d) The sheriff operating a county jail is the responsible agency regarding the collection of DNA specimens from persons who:
(i) have pled guilty to or have been convicted of an offense listed under Subsection 53-10-403(2) but who have not been committed to the custody of the Department of Corrections or are not under the supervision of the Division of Adult Probation and Parole created in Section 64-14-202;
(ii) are incarcerated in the county jail:
(A) as a condition of probation for a felony offense; or
(B) for a misdemeanor offense for which collection of a DNA specimen is required;
(iii) on and after January 1, 2011, through May 12, 2014, are booked at the county jail for any offense under Subsection 53-10-403(1)(c); and
(iv) are booked at the county jail:
(A) by a law enforcement agency that is obtaining a DNA specimen for any felony offense on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b); or
(B) on or after January 1, 2015, for any felony offense.
(e) Each agency required to collect a DNA specimen under this section shall:
(i) designate employees to obtain the saliva DNA specimens required under this section; and
(ii) ensure that employees designated to collect the DNA specimens receive appropriate training and that the specimens are obtained in accordance with generally accepted protocol.
(6)
(a) As used in this Subsection (6), "department" means the Department of Corrections.
(b) Priority of obtaining DNA specimens by the department is:
(i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the custody of or under the supervision of the department before these persons are released from

incarceration, parole, or probation, if their release date is prior to that of persons under Subsection (6)(b)(ii), but in no case later than July 1, 2004; and

(ii) second, the department shall obtain DNA specimens from persons who are committed to the custody of the department or who are placed under the supervision of the department after July 1, 2002, within 120 days after the commitment, if possible, but not later than prior to release from incarceration if the person is imprisoned, or prior to the termination of probation if the person is placed on probation.

(c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii) is:

(i) first, persons on probation;

(ii) second, persons on parole; and

(iii) third, incarcerated persons.

(d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the priority of Subsection (6)(b)(i), to ensure that the Department of Corrections obtains DNA specimens from persons in the custody of or under the supervision of the Department of Corrections as of July 1, 2002, prior to their release.

(7)

(a) As used in this Subsection (7):

(i) "Court" means the juvenile court.

(ii) "Division" means the Division of Juvenile Justice and Youth Services.

(b) Priority of obtaining DNA specimens by the court from minors under Section 53-10-403 whose cases are under the jurisdiction of the court but who are not in the legal custody of the division shall be:

(i) first, to obtain specimens from minors whose cases, as of July 1, 2002, are under the court's jurisdiction, before the court's jurisdiction over the minors' cases terminates; and

(ii) second, to obtain specimens from minors whose cases are under the jurisdiction of the court after July 1, 2002, within 120 days of the minor's case being found to be within the court's jurisdiction, if possible, but no later than before the court's jurisdiction over the minor's case terminates.

(c) Priority of obtaining DNA specimens by the division from minors under Section 53-10-403 who are committed to the legal custody of the division shall be:

(i) first, to obtain specimens from minors who as of July 1, 2002, are within the division's legal custody and who have not previously provided a DNA specimen under this section, before termination of the division's legal custody of these minors; and

(ii) second, to obtain specimens from minors who are placed in the legal custody of the division after July 1, 2002, within 120 days of the minor's being placed in the custody of the division, if possible, but no later than before the termination of the court's jurisdiction over the minor's case.

(8)

(a) The Department of Corrections, the juvenile court, the Division of Juvenile Justice and Youth Services, and all law enforcement agencies in the state shall by policy establish procedures for obtaining saliva DNA specimens, and shall provide training for employees designated to collect saliva DNA specimens.

(b)

(i) The department may designate correctional officers, including those employed by the Division of Adult Probation and Parole created in Section 64-14-202, to obtain the saliva DNA specimens required under this section.

(ii) The department shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.

(c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.

Amended by Chapter 214, 2025 General Session
Amended by Chapter 291, 2025 General Session

**53-10-404.5 Obtaining DNA specimen at time of booking -- Payment of fee upon conviction.**

(1)
(a) When a sheriff books a person for any offense under Subsections 53-10-403(1)(c) and (d), the sheriff shall:
(i) except as provided in Subsection (1)(b), obtain a DNA specimen from the person upon booking of the person at the county jail; and
(ii) provide the person, in a manner the bureau specifies, notice of the process described in Subsection 53-10-406(6)(b) to request destruction of the DNA specimen and removal of the person's DNA record from the database described in Subsection 53-10-406(1)(d).
(b) If at the time of booking the sheriff is able to obtain information from the bureau stating that the bureau has received a DNA specimen for the person and the sample analysis is either in process or complete, the sheriff is not required to obtain an additional DNA specimen.
(c) If at the time of booking the sheriff is able to obtain information from the bureau stating that the bureau has received a DNA specimen for the person and the sample analysis is pending, the sheriff may obtain an additional DNA specimen.

(2) The person booked under Subsection (1) shall pay a fee of $150 for the cost of obtaining the DNA specimen if:
(a)
(i) the charge upon which the booking is based is resolved by a conviction of a class A misdemeanor or felony level offense; or
(ii) the person is convicted of any class A misdemeanor or felony level offense arising out of the same criminal episode regarding which the DNA specimen was obtained; and
(b) the person's DNA sample is not on file under Subsection (1)(b).

(3)
(a) All fees collected under Subsection (2) shall be deposited into the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than $25 per individual specimen for the costs of obtaining the DNA specimen.
(b) The agency collecting the $150 fee may not retain from each separate fee more than $25, and no amount of the $150 fee may be credited to any other fee or agency obligation.

(4) Any DNA specimen obtained under this section shall be held and may not be processed until:
(a) the court has bound the person over for trial for a felony level offense following a preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked;
(b) the person has waived the preliminary hearing for any charge for a felony level offense arising out of the same criminal episode regarding which the person was booked;
(c) a grand jury has returned an indictment for any charge for a felony level offense arising out of the same criminal episode regarding which the person was booked; or
(d) for a DNA specimen obtained before, on, or after May 7, 2025, sixty days has passed after the day on which any warrant of arrest has been issued for the person if the warrant of arrest is still outstanding.

Amended by Chapter 319, 2025 General Session

**53-10-405 DNA specimen analysis -- Saliva sample to be obtained by agency -- Blood sample to be drawn by professional.**

(1)
(a) A saliva sample shall be obtained by the responsible agency under Subsection 53-10-404(5).
(b) The sample shall be obtained in a professionally acceptable manner, using appropriate procedures to ensure the sample is adequate for DNA analysis.

(2)
(a) A blood sample shall be drawn in a medically acceptable manner by any of the following:
(i) a physician;
(ii) a physician assistant;
(iii) a registered nurse;
(iv) a licensed practical nurse;
(v) a paramedic;
(vi) as provided in Subsection (2)(b), emergency medical service personnel other than paramedics; or
(vii) a person with a valid permit issued by the Department of Public Safety under Section 53-2d-103.
(b) The Department of Public Safety may designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical service personnel, as defined in Section 53-2d-101, are authorized to draw blood under Subsection (2)(a)(vi), based on the type of license under Section 53-2d-402.
(c) A person authorized by this section to draw a blood sample may not be held civilly liable for drawing a sample in a medically acceptable manner.

(3) A test result or opinion based upon a test result regarding a DNA specimen may not be rendered inadmissible as evidence solely because of deviations from procedures adopted by the department that do not affect the reliability of the opinion or test result.

(4) A DNA specimen is not required to be obtained if:
(a) the court or the responsible agency confirms with the department that the department has previously received an adequate DNA specimen obtained from the person in accordance with this section; or
(b) the court determines that obtaining a DNA specimen would create a substantial and unreasonable risk to the health of the person.

Amended by Chapter 340, 2025 General Session

**53-10-406 DNA specimen analysis -- Bureau responsibilities.**

(1) The bureau shall:
(a) administer and oversee the DNA specimen collection process;
(b) store each DNA specimen and associated records received;
(c) analyze each specimen, or contract with a qualified public or private laboratory to analyze the specimen, to establish the genetic profile of the donor or to otherwise determine the identity of the person;
(d) maintain a criminal identification database containing information derived from DNA analysis;
(e) ensure that the DNA identification system does not provide information allowing prediction of genetic disease or predisposition to illness;
(f) ensure that only DNA markers routinely used or accepted in the field of forensic science are used to establish the gender and unique individual identification of the donor;

(g) utilize only those DNA analysis procedures that are consistent with, and do not exceed, procedures established and used by the Federal Bureau of Investigation for the forensic analysis of DNA;
(h) destroy a DNA specimen obtained under this part if criminal charges have not been filed within 90 days after booking for an alleged offense under Subsection 53-10-403(2)(c); and
(i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures for obtaining, transmitting, and analyzing DNA specimens and for storing and destroying DNA specimens and associated records, and criminal identification information obtained from the analysis.

(2) Procedures for DNA analysis may include all techniques which the department determines are accurate and reliable in establishing identity.

(3)
(a) In accordance with Section 63G-2-305, each DNA specimen and associated record is classified as protected.
(b) The department may not transfer or disclose any DNA specimen, associated record, or criminal identification information obtained, stored, or maintained under this section, except under the provisions of this section.

(4) Notwithstanding Subsection 63G-2-202(1), the department may deny inspection if the department determines that there is a reasonable likelihood that the inspection would prejudice a pending criminal investigation.

(5) The department shall adopt procedures governing the inspection of records, DNA specimens, and challenges to the accuracy of records. The procedures shall accommodate the need to preserve the materials from contamination and destruction.

(6) A person whose DNA specimen is obtained under this part may, personally or through a legal representative, submit:
(a) to the court a motion for a court order requiring the destruction of the person's DNA specimen, associated record, and any criminal identification record created in connection with that specimen, and removal of the person's DNA record from the database described in Subsection (1)(d) if:
(i) a final judgment reverses the conviction, judgment, or order that created an obligation to provide a DNA specimen; or
(ii) all charges arising from the same criminal episode for which the DNA specimen was obtained under Subsection 53-10-404.5(1)(a) have been resolved by a final judgment of dismissal with prejudice or acquittal; or
(b) to the department a request for the destruction of the person's DNA specimen, and associated record, and removal of the person's DNA record from the database described in Subsection (1)(d) if:
(i) no charge arising from the same criminal episode for which the DNA specimen was obtained under Subsection 53-10-404.5(1)(a) is filed against the person within one year after the day on which the person is booked; or
(ii) all charges arising from the same criminal episode for which the DNA specimen was obtained under Subsection 53-10-404.5(1)(a) have been resolved by a final judgment of dismissal with prejudice or acquittal.

(7) If charges have been filed against a person whose DNA specimen is obtained under this part and the charges have later been resolved by a final judgment of dismissal with prejudice or acquittal, or a final judgment is issued reversing a conviction, judgment, or other order arising from the charges that created an obligation to provide a DNA specimen, the prosecutor who filed the charges against the person shall notify the person of the process described in

Subsection (6) to request destruction of the DNA specimen and removal of the person's DNA record from the database described in Subsection (1)(d).

(8) A court order issued under Subsection (6)(a) may be accompanied by a written notice to the person advising that state law provides for expungement of criminal charges if the charge is resolved by a final judgment of dismissal or acquittal.

(9) The department shall destroy the person's DNA specimen, and associated record, and remove the person's DNA record from the database described in Subsection (1)(d), if:

(a) the person provides the department with:

(i) a court order for destruction described in Subsection (6)(a), and a certified copy of:

(A) the court order reversing the conviction, judgment, or order;

(B) a court order to set aside the conviction; or

(C) the dismissal or acquittal of the charge regarding which the person was arrested; or

(ii) a written request for destruction of the DNA specimen, and associated record, and removal of the DNA record from the database described in Subsection (6)(b), and a certified copy of:

(A) a declination to prosecute from the prosecutor; or

(B) a court document that indicates all charges have been resolved by a final judgment of dismissal with prejudice or acquittal; and

(b) the department determines that the person is not obligated to submit a DNA specimen as a result of a separate conviction or adjudication for an offense listed in Subsection 53-10-403(2).

(10) The department may not destroy a person's DNA specimen or remove a person's DNA record from the database described in Subsection (1)(d) if the person has a prior conviction or a pending charge for which collection of a sample is authorized in accordance with Section 53-10-404.

(11) A DNA specimen, associated record, or criminal identification record created in connection with that specimen may not be affected by an order to set aside a conviction, except under the provisions of this section.

(12) If funding is not available for analysis of any of the DNA specimens collected under this part, the bureau shall store the collected specimens until funding is made available for analysis through state or federal funds.

(13)

(a)

(i) A person who, due to the person's employment or authority, has possession of or access to individually identifiable DNA information contained in the state criminal identification database or the state DNA specimen repository may not willfully disclose the information in any manner to any individual, agency, or entity that is not entitled under this part to receive the information.

(ii) A person may not willfully obtain individually identifiable DNA information from the state criminal identification database or the state DNA repository other than as authorized by this part.

(iii) A person may not willfully analyze a DNA specimen for any purpose, or to obtain any information other than as required under this part.

(iv) A person may not willfully fail to destroy or fail to ensure the destruction of a DNA specimen when destruction is required by this part or by court order.

(b)

(i) A person who violates Subsection (13)(a)(i), (ii), or (iii) is guilty of a third degree felony.

(ii) A person who violates Subsection (13)(a)(iv) is guilty of a class B misdemeanor.

Amended by Chapter 319, 2025 General Session

**53-10-407 DNA Specimen Restricted Account.**

(1) There is created the DNA Specimen Restricted Account, which is referred to in this section as "the account."
(2) The sources of money for the account are:
  (a) DNA collection fees paid under Section 53-10-404;
  (b) any appropriations made to the account by the Legislature; and
  (c) all federal money provided to the state for the purpose of funding the collection or analysis of DNA specimens collected under Section 53-10-403.
(3) The account shall earn interest, and this interest shall be deposited in the account.
(4) The Legislature may appropriate money from the account solely for the following purposes:
  (a) to the Department of Corrections for the costs of collecting DNA specimens as required under Section 53-10-403;
  (b) to the juvenile court for the costs of collecting DNA specimens as required under Sections 53-10-403 and 80-6-608;
  (c) to the Division of Juvenile Justice and Youth Services for the costs of collecting DNA specimens as required under Sections 53-10-403 and 80-5-201; and
  (d) to the Department of Public Safety for the costs of:
    (i) storing and analyzing DNA specimens in accordance with the requirements of this part;
    (ii) DNA testing which cannot be performed by the Utah State Crime Lab, as provided in Subsection 78B-9-301(7); and
    (iii) reimbursing sheriffs for collecting the DNA specimens as provided under Sections 53-10-404 and 53-10-404.5.
(5) Appropriations from the account to the Department of Corrections, the juvenile court, the Division of Juvenile Justice and Youth Services, and to the Department of Public Safety are nonlapsing.

Amended by Chapter 240, 2024 General Session

## Part 5
## Bureau of Communications

**53-10-501 Bureau of Communications -- Creation -- Bureau Chief appointment, qualifications, and compensation.**

(1) There is created within the division the Bureau of Communications.
(2) The bureau shall be managed by a bureau chief selected by the division director, with the approval of the commissioner.
(3) The bureau chief should be experienced in communications and administration, and possess additional qualifications as determined by the commissioner or division director and as provided by law.
(4) The bureau chief acts under the supervision and control of the division director.

Enacted by Chapter 263, 1998 General Session

**53-10-502 Bureau duties.**

The bureau:
(1) maintains dispatch and communications services for regional public safety consolidated communications centers;
(2) provides facilities and acts as a public safety answering point to answer and respond to 911 calls from a region;
(3) provides professional emergency dispatch and communications support for law enforcement, emergency medical, fire suppression, highway maintenance, public works, and public safety agencies representing municipal, county, state, and federal governments; and
(4) coordinates incident response.

Amended by Chapter 21, 1999 General Session

## Part 7
## Utah Silver Alert Act

**53-10-701 Title -- Creation.**
(1) This part is known as the "Utah Silver Alert Act."
(2) There is created the Utah Silver Alert Notification System (Silver Alert) for missing and endangered adults to be administered by the department.

Enacted by Chapter 54, 2019 General Session

**53-10-702 Definitions.**
As used in this part:
(1) "Dementia" means a person has a form of cognitive decline that significantly affects the person's ability to make decisions and provide for health, safety, or self care. This term includes Alzheimer's disease and other forms of dementia marked by the continual loss of memory and awareness of surroundings.
(2) "Endangered adult" means a person 60 years of age or older or a person under 60 years of age who has a form of dementia.

Enacted by Chapter 54, 2019 General Session

**53-10-703 Silver Alert Notification System -- Law enforcement and department responsibilities.**
(1) The department shall develop a quick response system designed to issue and coordinate alerts following the report of a missing endangered adult. The system shall utilize the same coordination as the Amber Alert System with the following exceptions:
  (a) the National Emergency Broadcast System may not be activated; and
  (b) notification to the Department of Transportation for the activation of highway signage shall indicate the specific area in which the person was last seen so that signs only in that geographical area will be activated.
(2) Upon receiving a report of a missing adult, the law enforcement officer shall determine whether the missing adult meets the criteria to be designated as an endangered adult.

(3) If it is determined that the missing adult is an endangered adult, the officer investigating the person's disappearance shall request the department activate the Silver Alert Notification System.

Enacted by Chapter 54, 2019 General Session

**53-10-704 Rulemaking authority.**

The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing policies, procedures, and a timeline for the:
(1) request for a Silver Alert by a law enforcement officer or agency;
(2) activation of the Silver Alert Notification System;
(3) duration of the Silver Alert; and
(4) cancellation of a Silver Alert.

Enacted by Chapter 54, 2019 General Session

## Part 8
## HIV Testing - Sexual Offenders and Victims

**53-10-801 Definitions.**

For purposes of this part:
(1) "Alleged sexual offender" means an individual or a minor regarding whom an indictment, petition, or an information has been filed or an arrest has been made alleging the commission of a sexual offense or an attempted sexual offense and regarding which:
  (a) a judge has signed an accompanying arrest warrant, pickup order, or any other order based upon probable cause regarding the alleged offense; and
  (b) the judge has found probable cause to believe that the alleged victim has been exposed to conduct or activities that may result in an HIV infection as a result of the alleged offense.
(2) "Department of Health and Human Services" means the Department of Health and Human Services created in Section 26B-1-201.
(3) "HIV infection" means an indication of Human Immunodeficiency Virus (HIV) infection determined by current medical standards and detected by any of the following:
  (a) presence of antibodies to HIV, verified by a positive "confirmatory" test, such as Western blot or other method approved by the Utah State Health Laboratory. Western blot interpretation will be based on criteria currently recommended by the Association of State and Territorial Public Health Laboratory Directors;
  (b) presence of HIV antigen;
  (c) isolation of HIV; or
  (d) demonstration of HIV proviral DNA.
(4) "HIV positive individual" means an individual who is HIV positive as determined by the State Health Laboratory.
(5) "Local department of health" means a local health department as defined in Section 26A-1-102.
(6) "Minor" means an individual younger than 18 years old.
(7) "Positive" means an indication of the HIV infection as defined in Subsection (3).
(8)

(a) "Sexual offense" means a violation of any offense under Title 76, Chapter 5, Part 4, Sexual Offenses.
(b) "Sexual offense" does not include a violation of Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.
(9) "Test" or "testing" means a test or tests for HIV infection conducted by and in accordance with standards recommended by the Department of Health and Human Services.

Amended by Chapter 173, 2025 General Session

**53-10-802 Request for testing -- Mandatory testing -- Liability for costs.**
(1)
(a) An alleged victim of a sexual offense, the parent or guardian of an alleged victim who is a minor, or the guardian of an alleged victim who is a vulnerable adult as defined in Section 26B-6-201 may request that the alleged sexual offender against whom the indictment, information, or petition is filed or regarding whom the arrest has been made be tested to determine whether the alleged offender is an HIV positive individual.
(b) If the alleged victim under Subsection (1)(a) has requested that the alleged offender be tested, the alleged offender shall submit to being tested not later than 48 hours after an information or indictment is filed or an order requiring a test is signed.
(c) If the alleged victim under Subsection (1)(a) requests that the alleged offender be tested more than 48 hours after an information or indictment is filed, the offender shall submit to being tested not later than 24 hours after the request is made.
(d) As soon as practicable, the results of the test conducted pursuant to this section shall be provided to:
(i) the alleged victim who requested the test;
(ii) the parent or guardian of the alleged victim, if the alleged victim is a minor;
(iii) the legal guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 26B-6-201;
(iv) the alleged offender; and
(v) the parent or legal guardian of the alleged offender, if the offender is a minor.
(e) If follow-up testing is medically indicated, the results of follow-up testing of the alleged offender shall be sent as soon as practicable to:
(i) the alleged victim;
(ii) the parent or guardian of the alleged victim if the alleged victim is a minor;
(iii) the legal guardian of the alleged victim, if the victim is a vulnerable adult as defined in Section 26B-6-201;
(iv) the alleged offender; and
(v) the parent or legal guardian of the alleged offender, if the alleged offender is a minor.
(2) If the mandatory test has not been conducted, and the alleged offender or alleged minor offender is already confined in a county jail, state prison, or a secure youth corrections facility, the alleged offender shall be tested while in confinement.
(3)
(a) The secure youth corrections facility or county jail shall cause the blood specimen of the alleged offender under Subsection (1) confined in that facility to be taken and shall forward the specimen to:
(i) the Department of Health and Human Services; or
(ii) an alternate testing facility, as determined by the secure youth corrections facility or county jail, if testing under Subsection (3)(a)(i) is unavailable.

(b) The entity that receives the specimen under Subsection (3)(a) shall provide the result to the prosecutor as soon as practicable for release to the parties as described in Subsection (1)(d) or (e).

(4) The Department of Corrections shall cause the blood specimen of the alleged offender defined in Subsection (1) confined in any state prison to be taken and shall forward the specimen to the Department of Health and Human Services as provided in Section 64-13-36.

(5) The alleged offender who is tested is responsible upon conviction for the costs of testing, unless the alleged offender is indigent. The costs will then be paid by the Department of Health and Human Services from the General Fund.

Amended by Chapter 328, 2023 General Session

**53-10-803 Voluntary testing -- Victim to request -- Costs paid by Utah Office for Victims of Crime.**

(1) A victim or minor victim of a sexual offense may request a test for the HIV infection.

(2)

(a) The local health department shall obtain the blood specimen from the victim and forward the specimen to the Department of Health and Human Services.

(b) The Department of Health and Human Services shall analyze the specimen of the victim.

(3) The testing shall consist of a base-line test of the victim at the time immediately or as soon as possible after the alleged occurrence of the sexual offense. If the base-line test result is not positive, follow-up testing shall occur at three months and six months after the alleged occurrence of the sexual offense.

(4) The Crime Victim Reparations Fund shall pay for the costs of the victim testing if the victim provides a substantiated claim of the sexual offense, does not test HIV positive at the base-line testing phase, and complies with eligibility criteria established by the Utah Office for Victims of Crime.

Amended by Chapter 173, 2025 General Session

**53-10-804 Victim notification and counseling.**

(1)

(a) The Department of Health of Human Services shall provide the victim who requests testing of the alleged sexual offender's human immunodeficiency virus status counseling regarding HIV disease and referral for appropriate health care and support services.

(b) If the local health department in whose jurisdiction the victim resides and the Department of Health and Human Services agree, the Department of Health and Human Services shall forward a report of the alleged sexual offender's human immunodeficiency virus status to the local health department and the local health department shall provide the victim who requests the test with the test results, counseling regarding HIV disease, and referral for appropriate health care and support services.

(2) Notwithstanding the provisions of Section 26B-7-217, the Department of Health and Human Services and a local health department acting pursuant to an agreement made under Subsection (1) may disclose to the victim the results of the alleged sexual offender's human immunodeficiency virus status as provided in this section.

Amended by Chapter 328, 2023 General Session

# Part 9
# Sexual Assault Kit Processing Act

**53-10-901 Title.**

This part is known as the "Sexual Assault Kit Processing Act."

Renumbered and Amended by Chapter 430, 2022 General Session

**53-10-902 Definitions.**

As used in this part:

(1) "Collecting facility" means a hospital, health care facility, or other facility that performs sexual assault examinations.

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

(3) "Restricted kit" means a sexual assault kit:

(a) that is collected by a collecting facility; and

(b) for which a victim who is 18 years old or older at the time of the sexual assault kit evidence collection declines:

(i) to have his or her sexual assault kit processed; and

(ii) to have the sexual assault examination form shared with any entity outside of the collection facility.

(4) "Sexual assault kit" means a package of items that is used by medical personnel to gather and preserve biological and physical evidence following an allegation of a sexual offense.

(5) "Sexual offense" means the same as that term is defined in Section 77-37-2.

(6) "Trauma-informed, victim-centered" means policies, procedures, programs, and practices that:

(a) have demonstrated an ability to minimize retraumatization associated with the criminal justice process by recognizing the presence of trauma symptoms and acknowledging the role that trauma has played in the life of a victim; and

(b) encourage law enforcement officers to interact with victims with compassion and sensitivity in a nonjudgmental manner.

(7) "Victim" means an individual against whom a sexual offense has been committed or allegedly been committed.

Amended by Chapter 164, 2024 General Session

**53-10-903 All sexual assault kits to be submitted.**

(1) Except as provided in Subsection 53-10-904(5), beginning July 1, 2018, all sexual assault kits received by law enforcement agencies shall be submitted to the Utah Bureau of Forensic Services in accordance with the provisions of this part.

(2) The Utah Bureau of Forensic Services shall test all sexual assault kits that the bureau receives with the goal of developing autosomal DNA profiles that are eligible for entry into the Combined DNA Index System.

(3)

(a) The testing of all sexual assault kits shall be completed within a specified amount of time, as determined by administrative rule consistent with the provisions of this part.

(b) The ability of the Utah Bureau of Forensic Services to meet the established time frames may be dependent upon the following factors:

(i) the number of sexual assault kits that the Utah Bureau of Forensic Services receives;
(ii) the technology available and improved testing methods;
(iii) fully trained and dedicated staff to meet the full workload needs of the Utah Bureau of Forensic Services; and
(iv) the number of lab requests received relating to other crime categories.

Renumbered and Amended by Chapter 430, 2022 General Session

**53-10-904 Sexual assault kit processing -- Restricted kits.**

(1) Unless the health care provider designates a sexual assault kit as a restricted kit, the collecting facility shall enter the required victim information into the statewide sexual assault kit tracking system, defined in Section 53-10-907, within 24 hours of performing a sexual assault examination.
(2) A restricted kit may only be designated as a restricted kit:
(a) by a health care provider; and
(b) at the time of collection.
(3) Each sexual assault kit collected by medical personnel shall be taken into custody by a law enforcement agency as soon as possible and within one business day of notice from the collecting facility.
(4) The law enforcement agency that receives a sexual assault kit shall enter the required information into the statewide sexual assault kit tracking system, provided in Section 53-10-907, within five business days of receiving a sexual assault kit from a collecting facility.
(5) Each sexual assault kit received by a law enforcement agency from a collecting facility that relates to an incident that occurred outside of the jurisdiction of the law enforcement agency shall be transferred to the law enforcement agency with jurisdiction over the incident within 10 days of learning that another law enforcement agency has jurisdiction.
(6)
(a) Except for restricted kits, each sexual assault kit shall be submitted to the Utah Bureau of Forensic Services as soon as possible, but no later than 30 days after receipt by a law enforcement agency.
(b) Restricted kits may not be submitted to the Utah Bureau of Forensic Services.
(c) Restricted kits shall be maintained by the law enforcement agency with jurisdiction, in accordance with the provisions of this part.
(d) A restricted kit may be changed to an unrestricted kit if the victim informs the designated law enforcement agency that he or she wants to have the sexual assault kit processed and agrees to release of the sexual assault examination form with the sexual assault kit. Once a victim indicates that he or she wants the sexual assault kit processed:
(i) the kit may no longer be classified as restricted; and
(ii) the kit shall be transmitted to the Utah Bureau of Forensic Services as soon as possible, but no later than 30 days after the victim chooses to unrestrict his or her kit with law enforcement.
(7) If available, a suspect standard or a consensual partner elimination standard shall be submitted to the Utah Bureau of Forensic Services:
(a) with the sexual assault kit, if available, at the time the sexual assault kit is submitted; or
(b) as soon as possible, but no later than 30 days from the date the kit was obtained by the law enforcement agency, if not obtained until after the sexual assault kit is submitted.

(8) Failure to meet a deadline established in this part or as part of any rules established by the department is not a basis for dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

Renumbered and Amended by Chapter 430, 2022 General Session

**53-10-905 Sexual assault kit retention and disposal -- Notification.**

(1) As used in this section:
  (a) "Agency" means the same as that term is defined in Section 77-11a-101.
  (b) "Agency" includes an evidence collecting or retaining entity as defined in Section 77-11c-101.
(2) An agency with custody of a sexual assault kit shall preserve the sexual assault kit in accordance with Title 77, Chapter 11c, Retention of Evidence.
(3) An agency shall send a notice to a victim that the agency intends to dispose of a sexual assault kit if:
  (a) the agency intends to dispose of the sexual assault kit before the applicable time period described in Section 77-11c-201, 77-11c-301, or 77-11c-401 expires; and
  (b) the victim provided a written request to the agency investigating the sexual offense that the victim receive notice of when the agency intends to dispose of the sexual assault kit.
(4) An agency shall send a notice of intent to dispose of a sexual assault kit to the victim:
  (a) at least 180 days before the day on which the agency intends to dispose of the sexual assault kit; and
  (b) by certified mail, return receipt requested, or a delivery service that provides proof of delivery.
(5) If a victim receives a notice of intent to dispose of a sexual assault kit, the victim may submit a written request, within the 180-day period described in Subsection (4)(a), that the agency retain the sexual assault kit.
(6) A notice of intent to dispose of a sexual assault kit shall provide the victim with information on how to submit a written request described in Subsection (5).
(7) If an agency receives a written request to retain the sexual assault kit from the victim within the 180-day period described in Subsection (4)(a), the agency shall retain the sexual assault kit for the applicable time period described in Section 77-11c-201, 77-11c-301, or 77-11c-401.

Repealed and Re-enacted by Chapter 164, 2024 General Session

**53-10-906 Victim notification of rights -- Notification of law enforcement.**

(1) Collecting facility personnel who conduct sexual assault examinations shall inform each victim of a sexual assault of:
  (a) available services for treatment of sexually transmitted infections, pregnancy, and other medical and psychiatric conditions;
  (b) available crisis intervention or other mental health services provided;
  (c) the option to receive prophylactic medication to prevent sexually transmitted infections and pregnancy;
  (d) the right to determine:
    (i) whether to provide a personal statement about the sexual assault to law enforcement; and
    (ii) if law enforcement should have access to any paperwork from the forensic examination; and
  (e) the victim's rights as provided in Section 77-37-3.
(2) The collecting facility shall notify law enforcement as soon as practicable if the victim of a sexual assault decides to interview and discuss the assault with law enforcement.

(3) If a victim of a sexual assault declines to provide a personal statement about the sexual assault to law enforcement, the collecting facility shall provide a written notice to the victim that contains the following information:
(a) where the sexual assault kit will be stored;
(b) notice that the victim may choose to contact law enforcement any time after declining to provide a personal statement;
(c) the name, phone number, and email address of the law enforcement agency having jurisdiction; and
(d) the name and phone number of a local rape crisis and services center.

Amended by Chapter 99, 2023 General Session

**53-10-907 Statewide sexual assault kit tracking system.**
(1) The department shall develop and implement a statewide tracking system that contains the following information for all sexual assault kits collected by law enforcement:
(a) the submission status of sexual assault kits by law enforcement to the Utah Bureau of Forensic Services;
(b) notification by the Utah Bureau of Forensic Services to law enforcement of DNA analysis findings; and
(c) the storage location of sexual assault kits.
(2) The tracking system shall include a secure electronic access that allows the submitting agency, collecting facility, department, and a victim, or his or her designee, to access or receive information, provided that the disclosure does not impede or compromise an active investigation, about the:
(a) lab submission status;
(b) DNA analysis findings provided to law enforcement; and
(c) storage location of a sexual assault kit that was gathered from that victim.

Renumbered and Amended by Chapter 430, 2022 General Session

**53-10-908 Law enforcement -- Training -- Sexual assault, sexual abuse, and human trafficking.**
(1) The department and the Utah Prosecution Council shall develop training in trauma-informed responses and investigations of sexual assault and sexual abuse, which include, but are not limited to, the following:
(a) recognizing the symptoms of trauma;
(b) understanding the impact of trauma on a victim;
(c) responding to the needs and concerns of a victim of sexual assault or sexual abuse;
(d) delivering services to victims of sexual assault or sexual abuse in a compassionate, sensitive, and nonjudgmental manner;
(e) understanding cultural perceptions and common myths of sexual assault and sexual abuse; and
(f) techniques of writing reports in accordance with Subsection (5).
(2)
(a) In accordance with Section 53-6-202, the department and the Utah Prosecution Council shall offer the training in Subsection (1) to all certified law enforcement officers in the state.
(b) The training for all law enforcement officers may be offered through an online course, developed by the department and the Utah Prosecution Council.

(3) The training listed in Subsection (1) shall be offered by the Peace Officer Standards and Training division to all persons seeking certification as a peace officer.
(4)
(a) The department and the Utah Prosecution Council shall develop and offer an advanced training course for officers who investigate cases of sexual assault or sexual abuse.
(b) The advanced training course shall include:
(i) all criteria listed in Subsection (1);
(ii) identifying indicators of a ritual, as that term is defined in Section 76-3-203.19, in cases of sexual assault; and
(iii) interviewing techniques in accordance with the curriculum standards in Subsection (5).
(5) The department shall consult with the Utah Prosecution Council to develop the specific training requirements of this section, including curriculum standards for report writing and response to sexual assault and sexual abuse, including trauma-informed and victim-centered interview techniques, which have been demonstrated to minimize retraumatizing victims.
(6) The Office of the Attorney General shall develop and offer training for law enforcement officers in investigating human trafficking offenses.
(7) The training described in Subsection (6) shall be offered by the Peace Officer Standards and Training division to all persons seeking certification as a peace officer, in conjunction with the training described in Subsection (1).
(8) The Office of the Attorney General, the department, and the Utah Prosecution Council shall consult with one another to provide the training described in Subsection (6) jointly with the training described in Subsection (1) as reasonably practicable.

Amended by Chapter 185, 2025 General Session

**53-10-909 Rulemaking authority.**

After consultation with the Utah Bureau of Forensic Services and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules, consistent with this part, regarding:
(1) the procedures for the submission and testing of all sexual assault kits collected by law enforcement and prosecutorial agencies in the state;
(2) the information and evidence that is required to be submitted as part of each sexual assault kit submission; and
(3) goals for the completion of analysis and classification of all sexual assault kit submissions.

Renumbered and Amended by Chapter 430, 2022 General Session

**53-10-910 Reporting requirement.**

The Department of Public Safety and the Utah Bureau of Forensic Services shall report by July 31 of each year to the Law Enforcement and Criminal Justice Interim Committee and the Criminal Justice Appropriations Subcommittee regarding:
(1) the timelines set for testing all sexual assault kits submitted to the Utah Bureau of Forensic Services as provided in Subsection 53-10-903(2);
(2) the goals established in Section 53-10-909;
(3) the status of meeting those goals;
(4) the number of sexual assault kits that are sent to the Utah Bureau of Forensic Services for testing;
(5) the number of restricted kits held by law enforcement;

(6) the number of sexual assault kits that are not processed in accordance with the timelines established in this part; and
(7) future appropriations requests that will ensure that all DNA cases can be processed according to the timelines established by this part.

Amended by Chapter 271, 2025 General Session

## Part 10
## Amber Alert System

**53-10-1001 Definitions.**

As used in this part:
(1) "Abduction of a child" means the taking, concealing, or detaining of a child without permission from an individual entitled to custody of the child.
(2) "Amber Alert" means an alert issued in accordance with America's Missing: Broadcast Emergency Response run by the bureau to assist a law enforcement agency in the recovery of an abducted child.
(3) "Child" means an individual under 18 years old.
(4) "Runaway" means the same as that term is defined in Section 80-1-102.

Enacted by Chapter 404, 2023 General Session

**53-10-1002 Amber Alert criteria.**

(1) Except as provided in Subsection (2), if a law enforcement agency receives a report that an abduction of a child has occurred, including an abduction of a child by the child's parent or guardian, the investigating law enforcement agency may issue an Amber Alert if:
  (a) the investigating law enforcement agency confirms that an abduction of the child has occurred;
  (b) the investigating law enforcement agency believes there is a credible threat of imminent danger of serious bodily injury or death to the child; and
  (c) there is sufficient descriptive information about the child, alleged abductor, or the circumstances surrounding the abduction to indicate that issuing an Amber Alert will assist in the safe recovery of the child or the apprehension of the abductor.
(2) A law enforcement agency may not issue an Amber Alert:
  (a) for a reported runaway; or
  (b) for the taking, concealing, or detaining of a child by the child's parent during a child custody dispute regarding the child, unless there is a credible threat of imminent danger of serious bodily injury or death to the child.
(3) The investigating law enforcement agency may use relevant law enforcement technology, including an automatic license plate reader system, to locate a vehicle that is being sought in connection with an issued Amber Alert.
(4) The department and the Department of Transportation may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing policies and procedures for the operation and maintenance of the Amber Alert System other than mobile network operations.

Enacted by Chapter 404, 2023 General Session

# Chapter 11
# Bail Bond Recovery Act

**53-11-101 Title.**

This chapter is known as the "Bail Bond Recovery Act."

Enacted by Chapter 257, 1998 General Session

**53-11-102 Definitions.**

As used in this chapter:

(1) "Applicant" means a person who has submitted to the department a completed application and all required application and processing fees.

(2) "Bail bond agency" means a bail enforcement agent licensed under this chapter who operates a business to carry out the functions of a bail enforcement agent, and to conduct this business:

(a) employs one or more persons licensed under this chapter for wages or salary, and withholds all legally required deductions and contributions; or

(b) contracts with a bail recovery agent or bail recovery apprentice on a part-time or case-by-case basis.

(3) "Bail enforcement agent" means an individual licensed under this chapter as a bail enforcement agent to enforce the terms and conditions of a defendant's release on bail in a civil or criminal proceeding, to apprehend a defendant or surrender a defendant to custody, or both, as is appropriate, and who:

(a) is appointed by a bail bond surety; and

(b) receives or is promised money or other things of value for this service.

(4) "Bail recovery agent" means an individual employed by a bail enforcement agent to assist the bail enforcement agent regarding civil or criminal defendants released on bail by:

(a) presenting a defendant for required court appearances;

(b) apprehending or surrendering a defendant to a court; or

(c) keeping the defendant under necessary surveillance.

(5) "Bail recovery apprentice" means any individual licensed under this chapter as a bail recovery apprentice, and who:

(a) has not met the requirements for licensure as a bail recovery agent or bail enforcement agent; and

(b) is employed by a bail enforcement agent, and works under the direct supervision of a bail enforcement agent or bail recovery agent employed also by the bail enforcement agent, unless the bail recovery apprentice is conducting activities at the direction of the employing bail enforcement agent that under this chapter do not require direct supervision.

(6) "Board" means the Bail Bond Recovery and Private Investigator Licensure Board created under Section 53-11-104.

(7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.

(8) "Commissioner" means the commissioner of public safety as defined under Section 53-1-107, or his designee.

(9) "Contract employee" or "independent contractor" means a person who works for an agency as an independent contractor.
(10) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from a trial or plea, including a plea of no contest or nolo contendere, regardless of whether the imposition of sentence was suspended.
(11) "Department" means the Department of Public Safety.
(12) "Direct supervision" means a bail enforcement agent employing or contracting with a bail recovery apprentice, or a bail recovery agent employed by or contracting with that bail enforcement agent who:
(a) takes responsibility for and assigns the work a bail recovery apprentice may conduct; and
(b) closely supervises, within close physical proximity, and provides direction and guidance to the bail recovery apprentice regarding the assigned work.
(13) "Emergency action" means a summary suspension of a license issued under this chapter pending revocation, suspension, or probation, in order to protect the public health, safety, or welfare.
(14) "Identification card" means a card issued by the commissioner to an applicant qualified for licensure under this chapter.
(15) "Letter of concern" means an advisory letter to notify a licensee that while there is insufficient evidence to support probation, suspension, or revocation of a license, the department believes:
(a) the licensee should modify or eliminate certain practices; and
(b) continuation of the activities that led to the information being submitted to the department may result in further disciplinary action against the license.
(16) "Occupied structure" means any edifice, including residential and public buildings, vehicles, or any other structure that could reasonably be expected to house or shelter persons.
(17) "Private investigator or private detective" means the same as that term is defined in Section 53-9-102.
(18) "Supervision" means the employing bail enforcement agent is responsible for and authorizes the type and extent of work assigned to a bail recovery agent who is his employee or contract employee.
(19) "Unprofessional conduct" means:
(a) engaging or offering to engage by fraud or misrepresentation in any activities regulated by this chapter;
(b) aiding or abetting a person who is not licensed pursuant to this chapter in representing that person as a bail recovery agent in this state;
(c) gross negligence in the practice of a bail recovery agent;
(d) committing a felony or a misdemeanor involving any crime that is grounds for denial, suspension, or revocation of a bail recovery license, and conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission; or
(e) making a fraudulent or untrue statement to the board, department, its investigators, or staff.

Amended by Chapter 506, 2024 General Session

**53-11-103 Commissioner of Public Safety administers -- Licensure -- Rulemaking.**
(1) The commissioner administers this chapter, including keeping records of:
(a) all applications for licenses under this chapter; and
(b) proof of workers' compensation required to be filed.
(2) Records shall include statements as to whether a license or renewal license has been issued for each application and bond.

(3) If a license is revoked, suspended, or canceled, or a license is denied or placed on probation, the commissioner shall ensure the date of filing the order for revocation, suspension, cancellation, denial, or probation is included in the records.
(4) The commissioner shall maintain a list of all individuals, firms, partnerships, associations, or corporations that have had a license revoked, suspended, placed on probation, or canceled and a written record of complaints filed against licensees.
(5)
  (a) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to administer this chapter.
  (b) These rules shall include a requirement that all providers offering instruction or continuing instruction required for licensure under this chapter shall offer the courses to all applicants at the same course fees, in order to be qualified by the board.
(6) All records referred to under this section are open to the public under Title 63G, Chapter 2, Government Records Access and Management Act, except licensees' residential addresses and telephone numbers.

Amended by Chapter 382, 2008 General Session

**53-11-104 Board.**
(1) There is established under the Department of Public Safety a Bail Bond Recovery and Private Investigator Licensure Board consisting of eight members appointed by the commissioner.
(2) Each member of the board shall be a citizen of the United States and a resident of this state at the time of appointment:
  (a) one member shall be a person who is qualified for and is licensed under this chapter;
  (b) one member shall be a person who is qualified for and is licensed under Chapter 9, Private Investigator Regulation Act;
  (c) one member shall be an attorney licensed to practice in the state;
  (d) one member shall be a chief of police or sheriff;
  (e) one member shall be a supervisory investigator from the commissioner's office;
  (f) one member shall be an owner of a bail bond surety company;
  (g) one member shall be an owner of a private investigator agency; and
  (h) one member shall be a public member who:
    (i) does not have a financial interest in a bail bond surety or bail bond recovery business;
    (ii) does not have a financial interest in a private investigative agency; and
    (iii) does not have an immediate family member or a household member, or a personal or professional acquaintance, who is licensed or registered under this chapter or Chapter 9, Private Investigator Regulation Act.
(3)
  (a) As terms of current board members expire, the commissioner shall appoint each new member or reappointed member to a four-year term, except as required by Subsection (3)(b).
  (b) The commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(5) At the board's first meeting every year, the board shall elect a chair and vice chair from the board's membership.

(6) 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 in accordance with Sections 63A-3-106 and 63A-3-107.
(7)
(a) A member may not serve more than one consecutive term unless:
(i) there is no other qualified applicant; or
(ii) a member is appointed to fill a vacancy or appointed for an initial term of less than four years under Subsection (3).
(b) The commissioner may reappoint a member described in Subsection (7)(a)(ii) for one additional full term.
(8) The commissioner, after a board hearing and recommendation, may remove any member of the board for misconduct, incompetency, or neglect of duty.
(9) Members of the board are immune from suit with respect to all acts done and actions taken in good faith in carrying out the purposes of this chapter.

Amended by Chapter 359, 2025 General Session

**53-11-105 Powers and duties of board.**
(1) The board shall:
(a)
(i) review all applications for licensing and renewals of licenses submitted by the bureau under this chapter and Title 53, Chapter 9, Private Investigator Regulation Act; and
(ii) approve or disapprove the applications;
(b) review all complaints and take disciplinary action; and
(c) establish standards for and approve providers of courses required for licensure under this section.
(2) The board may take and hear evidence, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of books, papers, records, documents, and other information relating to:
(a) investigation of an applicant for licensure under this chapter or Title 53, Chapter 9, Private Investigator Regulation Act; or
(b) a formal complaint against or department investigation of a bail enforcement agent, bail recovery agent, bail recovery apprentice, or a private investigator.

Amended by Chapter 506, 2024 General Session

**53-11-106 Board meetings and hearings -- Quorum.**
(1) The board shall meet at the call of the chair, but not less often than once each quarter.
(2)
(a) A quorum consists of five members.
(b) The action of a majority of a quorum constitutes an action of the board.
(3) If a member has three or more unexcused absences within a 12-month period, the commissioner shall determine if that board member should be released from board duties.

Amended by Chapter 506, 2024 General Session

**53-11-107 Licenses -- Classifications -- Prohibited acts.**

(1) Licenses under this chapter are issued in the classifications of:
  (a) bail enforcement agent;
  (b) bail recovery agent; or
  (c) bail recovery apprentice.
(2) A person may not:
  (a) act or assume to act as, or claim to be, a licensee unless the person is licensed under this chapter; or
  (b) falsely represent that the person is employed by a licensee.
(3) The commissioner shall issue licenses to applicants who qualify for them under this chapter.
(4) A license issued under this chapter is not transferable or assignable.

Amended by Chapter 302, 2025 General Session

**53-11-108 Licensure -- Basic qualifications.**

An applicant for licensure under this chapter shall meet the following qualifications:
(1) An applicant shall be:
  (a) at least 21 years old;
  (b) a citizen or legal resident of the United States; and
  (c) of good moral character.
(2) An applicant may not:
  (a) have been convicted of:
    (i) a felony;
    (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;
    (iii) any act of personal violence or force on any person or convicted of threatening to commit any act of personal violence or force against another person;
    (iv) any act constituting dishonesty or fraud;
    (v) impersonating a peace officer; or
    (vi) any act involving moral turpitude;
  (b) be on probation, parole, community supervision, or named in an outstanding arrest warrant; or
  (c) be employed as a peace officer.
(3) If previously or currently licensed in another state or jurisdiction, the applicant shall be in good standing within that state or jurisdiction.
(4)
  (a) The applicant shall also have completed a training program of not less than 16 hours that is approved by the board and includes:
    (i) instruction on the duties and responsibilities of a licensee under this chapter, including:
      (A) search, seizure, and arrest procedure;
      (B) pursuit, arrest, detainment, and transportation of a bail bond suspect; and
      (C) specific duties and responsibilities regarding entering an occupied structure to carry out functions under this chapter;
    (ii) the laws and rules relating to the bail bond business;
    (iii) the rights of the accused; and
    (iv) ethics.
  (b) The program may be completed after the licensure application is submitted, but shall be completed before a license may be issued under this chapter.
(5) If the applicant desires to carry a firearm as a licensee, the applicant shall:

(a) successfully complete a course regarding the specified types of weapons the applicant plans to carry. The course shall:
(i) be not less than 16 hours;
(ii) be conducted by any national, state, or local firearms training organization approved by the Criminal Investigations and Technical Services Division created in Section 53-10-103; and
(iii) provide training regarding general familiarity with the types of firearms to be carried, including:
(A) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and
(B) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of deadly force, transportation, and concealment; and
(b) shall hold a valid license to carry a concealed weapon, issued under Section 53-5a-303.

Amended by Chapter 208, 2025 General Session
Amended by Chapter 302, 2025 General Session

**53-11-109 Licensure -- Bail enforcement agent.**
(1)
(a) In addition to the requirements in Sections 53-11-108 and 53-11-110, an applicant for licensure as a bail enforcement agent shall have a minimum of 2,000 hours of experience consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.
(b) The applicant shall substantiate the experience claimed under Subsection (1) as qualifying experience and shall provide:
(i) the exact details as to the character and nature of the experience on a form prescribed by the department; and
(ii) certification by the applicant's employers, which is subject to independent verification by the board.
(c) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.
(d) The burden of proving completion of the required experience is on the applicant.
(2) An applicant for license renewal shall have completed not less than eight hours of continuing classroom instruction.

Enacted by Chapter 257, 1998 General Session

**53-11-110 Bail enforcement agent as agency -- Surety bond -- Workers' compensation.**
(1) An applicant for licensure as a bail enforcement agent who will operate a bail bond recovery agency shall provide the following information as part of the application:
(a) the full name and business address of the applicant;
(b) two passport-size color photographs of the applicant;
(c) the name under which the applicant intends to conduct the business;
(d) a statement that the applicant intends to engage in the bail bond recovery business;
(e) a notarized statement of the applicant's qualifications as required by Sections 53-11-108 and 53-11-109;
(f) the fee required by Section 53-11-115;
(g) a certificate of workers' compensation insurance, if applicable; and

(h) proof of completion of a training program approved by the board.
(2) An applicant for licensure, or renewal of licensure, as a bail enforcement agent shall include with the application a surety bond:
(a) in the amount of $10,000;
(b) that is in effect throughout the entire licensing period; and
(c) that provides that the issuer of the surety bond will notify the bureau if the bond is cancelled or expired.
(3) The license for a bail enforcement agent shall indicate on its face if the holder is licensed to act as a bail bond recovery agency.
(4) The bureau shall:
(a) cancel a license if the bureau receives notice that the surety bond described in Subsection (2) is cancelled or expired;
(b) notify a licensee when the bureau cancels a license under Subsection (4)(a); and
(c) reinstate a license that has been cancelled under Subsection (4)(a), and has not otherwise been revoked, when the person whose license was cancelled:
(i) files a surety bond described in Subsection (2) that is in effect for the remainder of the licensing period; and
(ii) pays the licensing fee described in Section 53-11-115.

Amended by Chapter 170, 2015 General Session

**53-11-111 Licensure -- Bail recovery agent -- Requirements and limitations.**
(1)
(a) In addition to the requirements in Sections 53-11-108 and 53-11-113, an applicant for licensure as a bail recovery agent shall meet all of the requirements under Section 53-11-109, but instead of the experience requirement under Subsection 53-11-109(1)(a), a bail recovery agent applicant shall have a minimum of 1,000 hours of experience consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.
(b) The applicant shall substantiate the experience claimed under Subsection (1) as qualifying experience and shall provide:
(i) the exact details as to the character and nature of the experience on a form prescribed by the department; and
(ii) certification by the applicant's employers, which is subject to independent verification by the board.
(c) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.
(d) The burden of proving completion of the required experience is on the applicant.
(2) An applicant for license renewal shall have completed not less than eight hours of continuing classroom instruction.
(3) A bail recovery agent may work as a licensee under this chapter only as an employee of or as an independent contractor with a bail bond agency. A bail recovery agent may not:
(a) advertise the agent's services;
(b) provide services as a licensee under this chapter directly for members of the public; or
(c) employ or hire as independent contractors bail enforcement agents, bail recovery agents, or bail recovery apprentices.

Amended by Chapter 302, 2025 General Session

**53-11-112 Licensure -- Bail recovery apprentices -- Requirements and limitations.**

(1) In addition to the requirements in Sections 53-11-108 and 53-11-113, an applicant for licensure as a bail recovery apprentice shall meet all of the requirements under Section 53-11-109, except the applicant is not subject to the experience requirement under Subsection 53-11-109(1)(a).

(2) A bail recovery apprentice may work as a licensee only:

(a) as an employee or contract employee of a bail bond agency; and

(b) under the direct supervision of a bail enforcement agent or bail recovery agent employed also by the bail enforcement agent, unless the bail recovery apprentice is conducting activities at the direction of the employing bail enforcement agent that under this chapter do not require direct supervision.

(3) A bail recovery apprentice may not:

(a) advertise the apprentice's bail recovery services;

(b) provide services as a licensee under this chapter directly for members of the public; or

(c) employ or hire as independent contractors bail enforcement agents, bail recovery agents, or bail recovery apprentices.

(4) A bail recovery apprentice may wear an article of clothing that conspicuously displays on the chest and the back of the article of clothing lettering that clearly identifies the licensee as a bail enforcement or recovery agent.

Amended by Chapter 155, 2014 General Session

**53-11-113 Bail recovery agent and bail recovery apprentice licensure -- Surety bond -- Fee -- Workers' compensation.**

(1) An applicant for licensure as a bail recovery agent or as a bail recovery apprentice shall provide as part of the application:

(a) the full name and address of the applicant;

(b) two passport-size color photographs of the applicant;

(c) the name of the bail bond recovery agency for which the applicant will be an employee or with which the applicant will be an independent contractor;

(d) written indication by a bail bond recovery agency or its designee that it intends to employ or contract with the applicant; and

(e) a notarized statement of the applicant's experience and qualifications required under Section 53-11-111 or 53-11-112, as appropriate.

(2) The licensure application or renewal shall be accompanied by the fee required under Section 53-11-115.

(3) An applicant for licensure, or renewal of licensure, as a bail recovery agent or a bail recovery apprentice shall include with the application a surety bond:

(a) in the amount of $10,000;

(b) that is in effect throughout the entire licensing period; and

(c) that provides that the issuer of the surety bond will notify the bureau if the bond is cancelled or expired.

(4) The bureau shall:

(a) cancel a license if the bureau receives notice that the surety bond described in Subsection (3) is cancelled or expired;

(b) notify a licensee when the bureau cancels a license under Subsection (4)(a); and

(c) reinstate a license that has been cancelled under Subsection (4)(a), and has not otherwise been revoked, when the person whose license was cancelled:
(i) files a surety bond described in Subsection (3) that is in effect for the remainder of the licensing period; and
(ii) pays the licensing fee described in Section 53-11-115.
(5)
(a) A license or a license renewal for a bail recovery agent or a bail recovery apprentice may not be granted to an applicant unless the employing bail bond recovery agency has on file with the department evidence of current workers' compensation coverage.
(b) A bail recovery agent or bail recovery apprentice license may not be reinstated without providing verification of the reinstatement of the workers' compensation coverage and payment of the reinstatement fee required in Section 53-11-115.
(c) The provisions of this Subsection (5) do not apply to a bail recovery agent or bail recovery apprentice who is working for a bail bond recovery agency as an independent contractor.

Amended by Chapter 170, 2015 General Session

**53-11-114 Licensure -- Qualification credit for specified training.**
(1) An applicant under this chapter may be exempt from meeting all or a portion of the experience or training requirements for licensure if the applicant:
(a) holds a criminal justice bachelor's degree from an accredited college or university;
(b) is certified to have successfully completed the state Peace Officers Standards and Training basic training course provided under Section 53-6-202; or
(c) provides adequate proof of having successfully completed a training course which the board finds is essentially similar to the training course under Subsection (1)(b).
(2) The board determines to what extent training listed under this section may meet the experience or training requirements for licensure under this chapter.

Enacted by Chapter 257, 1998 General Session

**53-11-115 License fees -- Deposit in General Fund.**
(1) Fees for individual and agency licensure, registration, and renewal shall be set in accordance with Section 63J-1-504.
(2)
(a) The bureau may renew a license granted under this chapter upon receipt of an application on forms as prescribed by the board and upon receipt of the applicable fees if the licensee's application meets all the requirements for renewal.
(b) If the bureau determines the license renewal application does not meet all the requirements for renewal, the bureau shall submit the renewal application to the board for review and action.
(c) A license may not be renewed more than 90 days after its expiration.
(d) A licensee may not engage in any activity subject to this chapter during any period between the date of expiration of the license and the renewal of the license.
(3)
(a) The board may reinstate a suspended license upon completion of the term of suspension.
(b) Renewal of the license does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

(4) The board may not reinstate a revoked license or accept an application for a license from a person whose license has been revoked for at least one year after the date of revocation.
(5) All fees, except the fingerprint processing fee, collected by the department under this section shall be deposited in the General Fund.

Amended by Chapter 417, 2018 General Session

**53-11-116 Issuance of license and card to applicant -- License period -- Expiration of application -- Transfer of license prohibited.**

(1)
(a) The board shall issue a license to an applicant who complies with the provisions of this chapter.
(b) Each license shall:
(i) contain the name and address of the licensee, the classification of license, and the number of the license; and
(ii) be issued for a period of two years.

(2)
(a) When the board issues the license, it shall also issue an identification card the design of which shall be approved by the commissioner in accordance with Section 53-11-116.5.
(b) The identification card shall be issued without charge to the licensee if an individual, or if the licensee is an agency, to each of its licensed employees and contract employees, and is evidence the licensee and the licensee's employees and contract employees are licensed under this chapter.

(3)
(a) If an identification card issued to a person states on it any bail bond agencies for which the cardholder works, that person shall return the card to the employer upon termination of the person's work relationship with the bail bond agency licensee.
(b) Within five days the licensee shall mail or deliver the card to the commissioner for cancellation.

(4)
(a) When the commissioner notifies an applicant that licensure as a bail bond recovery agency is ready for issuance, the applicant shall complete the application process within 90 days.
(b) Failure to complete the process results in cancellation of the application and forfeiture of all fees paid to that point.
(c) Subsequent application by the same applicant requires the payment of all application and license fees prescribed in Section 53-11-115.

(5) A bail bond agency licensee shall notify the commissioner of any change in the name or address of the bail bond agency licensee's business and of any change of employees or contract employees within 30 days after the change.

(6)
(a) All new employees and contract employees of an agency who are licensed under this chapter shall submit applications on forms prescribed by the board.
(b) Upon board approval, identification cards shall be issued without charge.

Amended by Chapter 302, 2025 General Session

**53-11-116.5 Identification cards.**

(1) A person licensed under this chapter as a bail enforcement agent or a bail recovery agent shall carry an identification card issued under this section.
(2)
(a) Bail bond agencies may submit designs for an identification card that shall be used for identification purposes by bail enforcement agents and bail recovery agents licensed under this chapter.
(b) The commissioner shall establish a procedure for the submitting of identification card designs and shall select one design to be used for all identification cards issued under this section.
(c) The identification card design:
(i) may not resemble any identification card currently in use by a law enforcement agency within the state; and
(ii) shall include:
(A) the licensee's classification of licensure;
(B) the license number; and
(C) a current photo of the licensee.
(d) The department of public safety shall issue identification cards, upon notification by the board that a license has been issued.

Enacted by Chapter 266, 1999 General Session

**53-11-117 Workers' compensation requirements for employees' licensure.**
(1) An applicant for licensure under this section who is employed by a bail bond recovery agency may not obtain or renew a license unless the employer has on file with the department evidence of current workers' compensation coverage.
(2) The applicant's license may only be reinstated upon verification by the department of the reinstatement of the workers' compensation coverage and payment of the reinstatement fee required under Section 53-11-115.
(3) This section does not apply to contract employees.

Enacted by Chapter 257, 1998 General Session

**53-11-118 Grounds for denial of license -- Appeal.**
(1) The board may deny a license application or a license renewal if the applicant has:
(a) committed an act that, if committed by a licensee, would be grounds for probation, suspension, or revocation of a license under this chapter;
(b) employed as a bail recovery agent or bail recovery apprentice employee or contract employee a person who has been refused a license under this chapter or who has had a license revoked in any state;
(c) committed, or aided and abetted the commission of, any act for which a license is required by this chapter, while not licensed under this chapter; or
(d) knowingly made a material misstatement in connection with an application for a license or renewal of a license under this chapter.
(2) The issuance of an identification card shall be denied to an applicant if the applicant fails to meet the required licensure qualifications.
(3)
(a) The denial of the issuance of a license under this chapter shall be in writing and describe the basis for the denial.

(b) The board's denial shall inform the applicant in writing that if the applicant desires a hearing to contest the denial, the applicant shall submit a request in writing to the commissioner within 30 days after the issuance of the denial.
(c) The hearing shall be scheduled not later than 60 days after receipt of the request.
(4) The commissioner shall hear the appeal, and may:
(a) return the case to the board for reconsideration;
(b) modify the board's decision; or
(c) reverse the board's decision.
(5) Decisions of the commissioner are subject to judicial review pursuant to Section 63G-4-402.

Amended by Chapter 382, 2008 General Session

**53-11-119 Grounds for disciplinary action.**
(1) The board may take disciplinary action under Subsection (2), (4), or (5) regarding a license granted under this chapter if the board finds the licensee commits any of the following while engaged in activities regulated under this chapter:
(a) fraud or willful misrepresentation in applying for an original license or renewal of an existing license;
(b) using any letterhead, advertising, or other printed matter in any manner representing that the licensee is an instrumentality of the federal government, a state, or any political subdivision of a state;
(c) using a name different from that under which the licensee is currently licensed for any advertising, solicitation, or contract to secure business unless the name is an authorized fictitious name;
(d) impersonating, permitting, or aiding and abetting an employee to impersonate a law enforcement officer or employee of the United States, any state, or a political subdivision of a state;
(e) knowingly violating, advising, encouraging, or assisting in the violation of any statute, court order, or injunction in the course of conducting an agency regulated under this chapter;
(f) falsifying fingerprints or photographs while operating under this chapter;
(g) has a conviction for:
(i) a felony;
(ii) any act involving illegally using, carrying, or possessing a dangerous weapon;
(iii) any act involving moral turpitude;
(iv) any act of personal violence or force against any person or conviction of threatening to commit any act of personal violence or force against any person;
(v) any act constituting dishonesty or fraud;
(vi) impersonating a peace officer; or
(vii) any act of illegally obtaining or disseminating private, controlled, or protected records under Section 63G-2-801;
(h) soliciting business for an attorney in return for compensation;
(i) being placed on probation, parole, compensatory service, or named in an outstanding arrest warrant;
(j) committing, or permitting any employee or contract employee to commit any act during the period between the expiration of a license for failure to renew within the time fixed by this chapter, and the reinstatement of the license, that would be cause for the suspension or revocation of the license or grounds for denial of the application for the license;

(k) willfully neglecting to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties, but if the investigator chooses to withdraw from the case and returns the funds for work not yet done, no violation of this section exists;
(l) failing or refusing to cooperate with, failing to provide truthful information to, or refusing access to an authorized representative of the department engaged in an official investigation;
(m) employing or contracting with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter if the licensure status was known or could have been ascertained by reasonable inquiry;
(n) permitting, authorizing, aiding, or in any way assisting a licensed employee to conduct services as described in this chapter on an independent contractor basis and not under the authority of the licensed agency;
(o) failure to maintain in full force and effect workers' compensation insurance, if applicable;
(p) advertising in a false, deceptive, or misleading manner;
(q) refusing to display the identification card issued by the department to any person having reasonable cause to verify the validity of the license;
(r) committing any act of unprofessional conduct; or
(s) engaging in any other conduct prohibited by this chapter.
(2) On completion of an investigation, the board may:
(a) dismiss the case;
(b) take emergency action;
(c) issue a letter of concern, if applicable;
(d) impose a civil penalty not to exceed $500;
(e) place all records, evidence, findings, and conclusions and any other information pertinent to the investigation in the confidential and protected records section of the file maintained at the department; or
(f) if the board finds, based on the investigation, that a violation of Subsection (1) has occurred, notice shall be sent to the licensee of the results of the hearing by mailing a true copy to the licensee's last-known address in the department's files by certified mail, return receipt requested.
(3) A letter of concern shall be retained by the commissioner and may be used in future disciplinary actions against a licensee.
(4)
(a) If the board finds, based on its investigation under Subsection (1), that the public health, safety, or welfare requires emergency action, the board may order a summary suspension of a license pending proceedings for revocation or other action.
(b) If the board issues an order of summary suspension, the board shall issue to the licensee a written notice of complaint and formal hearing, setting forth the charges made against the licensee and the licensee's right to a formal hearing before the board within 60 days.
(5) Based on information the board receives during a hearing it may:
(a)
(i) dismiss the complaint if the board believes it is without merit;
(ii) fix a period and terms of probation best adapted to educate the licensee;
(iii) place the license on suspension for a period of not more than 12 months; or
(iv) revoke the license; and
(b) impose a civil penalty not to exceed $500.
(6)

(a) On a finding by the board that a bail recovery agency licensee committed a violation of Subsection (1), the probation, suspension, or revocation terminates the employment of all licensees employed or employed by contract by the bail bond agency.
(b) If a licensee who is an employee or contract employee of a bail bond agency committed a violation of Subsection (1), the probation, suspension, or revocation applies only to the license held by that individual under this chapter.

(7)
(a) Appeal of the board's decision shall be made in writing to the commissioner within 30 days after the date of issuance of the board's decision.
(b) The hearing shall be scheduled not later than 60 days after receipt of the request.
(c) The commissioner shall review the finding by the board and may affirm, return to the board for reconsideration, reverse, adopt, modify, supplement, amend, or reject the recommendation of the board.

(8) A person may appeal the commissioner's decision to the district court pursuant to Section 63G-4-402.
(9) All penalties collected under this section shall be deposited in the General Fund.

Amended by Chapter 382, 2008 General Session

**53-11-120 Requirement to identify employing agency.**

Upon request, a licensee shall immediately identify the name, business address, and telephone number of the bail bond agency for which the licensee is an employee or an independent contractor.

Enacted by Chapter 257, 1998 General Session

**53-11-121 False representation as a licensee -- Badge -- Identifying clothing.**

(1) A licensee under this chapter may not wear a uniform, or use a title or identification card other than the one issued under this chapter, or make any statement that would lead a reasonable person to believe the licensee is connected in any way with the federal government or any state or local governmental entity, unless the licensee has received authorization in writing by one of those governmental authorities to do so.
(2) A licensee may possess a badge of a design approved by the board for use by a licensee.
(3) The licensee shall wear the badge under Subsection (2) in a manner that prevents the accidental or inadvertent display of the badge to persons in the presence of the licensee.
(4) The licensee may display the badge under Subsection (2) only if:
(a) the licensee is also at the same time wearing an article of clothing that conspicuously displays on the chest and back of the article of clothing lettering that clearly identifies the licensee as a bail enforcement or recovery agent;
(b) the licensee also displays the licensee's identification card described in Section 53-11-116.5, either:
(i) upon request, while acting as a bail enforcement agent; or
(ii) as necessary for the licensee to demonstrate authority while acting as a bail enforcement agent;
(c) the licensee is making a planned apprehension of a defendant, and the licensee is also wearing an article of clothing described in Subsection (4)(a) or Subsection (5);
(d) the licensee is making an apprehension that is unplanned and under exigent circumstances, and the licensee is not wearing clothing described in Subsection (4)(a) or Subsection (5); or

(e) the licensee is acting as a bail enforcement agent but is not engaged in a planned apprehension or in another situation that does not require that the agent be wearing clothing as described in Subsection (4)(a) or (5) in order to display the badge.

(5) A licensee may wear a jacket of a distinctive design or style that bears a printed, embroidered, or otherwise permanently attached symbol, emblem, or insignia that:

(a) clearly identifies the wearer as a bail enforcement or recovery agent; and

(b) is approved by the board.

(6) When a licensee is acting as a bail enforcement agent and interacts with a law enforcement officer, the licensee shall, at the first opportunity, identify him or herself to the law enforcement officer and shall provide identification as a bail enforcement agent.

Amended by Chapter 396, 2013 General Session

**53-11-122 Requirements during search and seizure -- Notification of law enforcement agency.**

A bail enforcement agent, bail recovery agent, or bail recovery apprentice shall observe the following requirements before taking action authorized under this chapter:

(1) identify himself or herself as a "bail enforcement agent," "bail recovery agent," or "bail recovery apprentice"; and

(2) comply with the notification requirements of Section 53-11-123.

Amended by Chapter 302, 2025 General Session

**53-11-123 Notification of local law enforcement.**

(1)

(a) A bail enforcement agent or bail recovery agent who is searching for or planning to apprehend a person shall notify the local law enforcement agency if the search or apprehension will be conducted in an occupied structure within that law enforcement agency's jurisdiction.

(b) When possible, notification shall be provided before taking action, but always within 24 hours of taking action.

(c) When a bail enforcement agent or bail recovery agent is preparing to enter an occupied structure to carry out an arrest, the agent shall verbally advise the local law enforcement agency of the agent's location and intended action prior to acting.

(2) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall each carry a written document providing proof and cause for the actions the agent or apprentice is taking as a licensee, and shall make the document available to local law enforcement agencies upon request.

Amended by Chapter 302, 2025 General Session

**53-11-124 Penalties.**

Any violation of this chapter is a class A misdemeanor, unless the circumstances of the violation amount to an offense subject to a greater criminal penalty under Title 76, Utah Criminal Code.

Enacted by Chapter 257, 1998 General Session

# Chapter 13
# Peace Officer Classifications

**53-13-101 Definitions.**

As used in this chapter:

(1) "Auxiliary officer" means a sworn, certified, and supervised special function officer, as described by Section 53-13-112.

(2) "Certified" means recognized and accepted by the division as having successfully met and maintained the standards and training requirements set and approved by the director of the division with the advice and consent of the council.

(3) "Collateral duty" means a duty to corroborate and support a peace officer function that is secondary and supplemental to the primary duty of the position.

(4) "Council" means the Peace Officer Standards and Training Council created in Section 53-6-106.

(5) "Director" means the director of the Peace Officer Standards and Training Division appointed under Section 53-6-104.

(6) "Division" means the Peace Officer Standards and Training Division created in Section 53-6-103.

(7) "Local law enforcement agency" means a law enforcement agency of any political subdivision of the state.

(8) "Primary duties" means those duties which come first in degree of effort and importance.

(9) "Principal duties" means those duties which are the highest and foremost in responsibility.

(10) "Reserve officer" means a sworn and certified peace officer, whether paid or voluntary, who:

(a) is serving in a reserve capacity for a law enforcement agency that is part of or administered by the state or any of its political subdivisions; and

(b) meets the basic and in-service training requirements of the peace officer classification in which the officer will function.

(11) "Spectrum" means that which encompasses the scope of authority. "Full spectrum" encompasses total 24-hour authority; while anything less than full authority is contained or restricted within certain limits as set forth by statute, ordinance, policy, or rule.

(12) "Sworn" means having taken the oath of office set forth in Utah Constitution Article IV, Section 10, administered by the law enforcement agency for whom a peace officer works.

(13) "Volunteer" means an officer who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

(14)

(a) "While on duty" means while an officer is actually performing the job duties and work activities assigned by the employing agency and for which the officer is trained and certified, and may include time spent outside those duties and activities if that additional time involves an activity that is an integral and necessary part of the job, and is spent for the benefit, and under the direction of, the employing agency.

(b) "While on duty" does not include the time an officer spends commuting between the officer's home and place of employment unless that time involves an activity in Subsection (14)(a).

Amended by Chapter 92, 1999 General Session

**53-13-102 Peace officer classifications.**

The following officers may exercise peace officer authority only as specifically authorized by law:
(1) law enforcement officers;
(2) correctional officers;
(3) special function officers; and
(4) federal officers.

Renumbered and Amended by Chapter 282, 1998 General Session

**53-13-103 Law enforcement officer.**
(1)
(a) "Law enforcement officer" means a sworn and certified peace officer:
(i) who is an employee of a law enforcement agency; and
(ii) whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.
(b) "Law enforcement officer" includes the following:
(i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county, city, or town;
(ii) the commissioner of public safety and any member of the Department of Public Safety certified as a peace officer;
(iii) all individuals specified in Section 79-2-704;
(iv) a police officer employed by a state institution of higher education;
(v) investigators for the Motor Vehicle Enforcement Division;
(vi) investigators for the Department of Insurance, Fraud Division;
(vii) special agents or investigators employed by the attorney general, district attorneys, and county attorneys;
(viii) employees of the Department of Natural Resources designated as peace officers by law;
(ix) school district police officers as designated by the board of education for the school district;
(x) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division;
(xi) correctional enforcement, investigative, or Division of Adult Probation and Parole officers employed by the Department of Corrections serving on or before July 1, 1993;
(xii) members of a law enforcement agency established by a private college or university if the agency is certified by the commissioner under Chapter 19, Certification of Private Law Enforcement Agency;
(xiii) airport police officers of any airport owned or operated by the state or any of its political subdivisions; and
(xiv) transit police officers designated under Section 17B-2a-822.
(2) Law enforcement officers may serve criminal process and arrest violators of any law of this state and have the right to require aid in executing their lawful duties.
(3)
(a) A law enforcement officer has statewide full-spectrum peace officer authority, but the authority extends to other counties, cities, or towns only when the officer is acting under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is employed by the state.
(b)

(i) A local law enforcement agency may limit the jurisdiction in which its law enforcement officers may exercise their peace officer authority to a certain geographic area.
(ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the limited geographic area.
(c) The authority of law enforcement officers employed by the Department of Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.
(4) A law enforcement officer shall, prior to exercising peace officer authority:
(a)
(i) have satisfactorily completed the requirements of Section 53-6-205; or
(ii) have met the waiver requirements in Section 53-6-206; and
(b) have satisfactorily completed annual certified training of at least 40 hours per year as directed by the director of the division, with the advice and consent of the council.

Amended by Chapter 214, 2025 General Session

**53-13-104 Correctional officer.**
(1)
(a) "Correctional officer" means a sworn and certified officer employed by the Department of Corrections, any political subdivision of the state, or any private entity which contracts with the state or its political subdivisions to incarcerate inmates who is charged with the primary duty of providing community protection.
(b) "Correctional officer" includes an individual assigned to carry out any of the following types of functions:
(i) controlling, transporting, supervising, and taking into custody of persons arrested or convicted of crimes;
(ii) supervising and preventing the escape of persons in state and local incarceration facilities;
(iii) guarding and managing inmates and providing security and enforcement services at a correctional facility; and
(iv) employees of the Board of Pardons and Parole serving on or before September 1, 1993, whose primary responsibility is to prevent and detect crime, enforce criminal statutes, and provide security to the Board of Pardons and Parole, and who are designated by the Board of Pardons and Parole, approved by the commissioner of public safety, and certified by the Peace Officer Standards and Training Division.
(2)
(a) Correctional officers have peace officer authority only while on duty. The authority of correctional officers employed by the Department of Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.
(b) Correctional officers may carry firearms only if authorized by and under conditions specified by the director of the Department of Corrections or the chief law enforcement officer of the employing agency.
(3)
(a) An individual may not exercise the authority of an adult correctional officer until the individual has satisfactorily completed a basic training program for correctional officers and the director of the Department of Corrections has certified the completion of training to the director of the division.
(b) An individual may not exercise the authority of a county correctional officer until:

(i) the individual has satisfactorily completed a basic training program for correctional officers and any other specialized training required by the local law enforcement agency; and
(ii) the chief administrator of the local law enforcement agency has certified the completion of training to the director of the division.

(4)
(a) The Department of Corrections of the state shall establish and maintain a correctional officer basic course and in-service training programs as approved by the director of the division with the advice and consent of the council.
(b) The in-service training shall:
(i) consist of no fewer than 40 hours per year; and
(ii) be conducted by the agency's own staff or other agencies.

(5) The local law enforcement agencies may establish correctional officer basic, advanced, or in-service training programs as approved by the director of the division with the advice and consent of the council.

(6) An individual shall be 19 years old or older before being certified or employed as a correctional officer under this section.

Amended by Chapter 10, 2022 General Session

**53-13-105 Special function officer.**

(1)
(a) "Special function officer" means a sworn and certified peace officer performing specialized investigations, service of legal process, security functions, or specialized ordinance, rule, or regulatory functions.
(b) "Special function officer" includes:
(i) state military police;
(ii) constables;
(iii) port-of-entry agents as defined in Section 72-1-102;
(iv) authorized employees or agents of the Department of Transportation assigned to administer and enforce the provisions of Title 72, Chapter 9, Motor Carrier Safety Act;
(v) school district security officers;
(vi) Utah State Hospital security officers designated pursuant to Section 26B-5-303;
(vii) Utah State Developmental Center security officers designated pursuant to Section 26B-6-506;
(viii) fire arson investigators for any political subdivision of the state;
(ix) ordinance enforcement officers employed by municipalities or counties may be special function officers;
(x) employees of the Department of Natural Resources who have been designated to conduct supplemental enforcement functions as a collateral duty;
(xi) railroad special agents deputized by a county sheriff under Section 17-30-2 or 17-30a-104, or appointed pursuant to Section 56-1-21.5;
(xii) auxiliary officers, as described by Section 53-13-112;
(xiii) special agents, process servers, and investigators employed by city attorneys;
(xiv) criminal tax investigators designated under Section 59-1-206; and
(xv) all other persons designated by statute as having special function officer authority or limited peace officer authority.

(2)

(a) A special function officer may exercise that spectrum of peace officer authority that has been designated by statute to the employing agency, and only while on duty, and not for the purpose of general law enforcement.
(b) If the special function officer is charged with security functions respecting facilities or property, the powers may be exercised only in connection with acts occurring on the property where the officer is employed or when required for the protection of the employer's interest, property, or employees.
(c) A special function officer may carry firearms only while on duty, and only if authorized and under conditions specified by the officer's employer or chief administrator.

(3)
(a) A special function officer may not exercise the authority of a special function officer until:
(i) the officer has satisfactorily completed an approved basic training program for special function officers as provided under Subsection (4); and
(ii) the chief law enforcement officer or administrator has certified this fact to the director of the division.
(b) City and county constables and their deputies shall certify their completion of training to the legislative governing body of the city or county they serve.

(4)
(a) The agency that the special function officer serves may establish and maintain a basic special function course and in-service training programs as approved by the director of the division with the advice and consent of the council.
(b) The in-service training shall consist of no fewer than 40 hours per year and may be conducted by the agency's own staff or by other agencies.

(5)
(a) An individual shall be 19 years old or older before being certified or employed as a special function officer.
(b) A special function officer who is under 21 years old may only work as a correctional officer in accordance with Section 53-13-104.

Amended by Chapter 328, 2023 General Session

***Superseded 9/1/2025***

**53-13-106 Federal officers -- State law enforcement authority.**

(1)
(a) "Federal agency" means:
(i) the United States Bureau of Land Management;
(ii) the United States Forest Service;
(iii) the National Park Service;
(iv) the United States Fish and Wildlife Service;
(v) the United States Bureau of Reclamation;
(vi) the United States Environmental Protection Agency;
(vii) the United States Army Corps of Engineers; and
(viii) the Department of Veterans Affairs.
(b) "Federal employee" means an employee of a federal agency.
(c) "Federal officer" includes:
(i) a special agent of the Federal Bureau of Investigation;
(ii) a special agent of the United States Secret Service;

(iii) a special agent of the United States Department of Homeland Security, excluding a customs inspector or detention removal officer;
(iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;
(v) a special agent of the Drug Enforcement Administration;
(vi) a United States marshal, deputy marshal, and special deputy United States marshal;
(vii) a U.S. postal inspector of the United States Postal Inspection Service; and
(viii) a police officer of the Department of Veterans Affairs.

(d)
(i) Federal officers listed in Subsection (1)(c) have statewide law enforcement authority relating to felony offenses under the laws of this state. This Subsection (1)(d)(i) takes precedence over Subsection (2).
(ii) Federal agencies and federal employees may exercise law enforcement authority related to misdemeanor and felony offenses under Utah law only as established by an agreement as provided in Subsection (1)(d)(iii) and as provided in Section 53-13-106.9 or pursuant to Section 53-13-106.7. This Subsection (1)(d)(ii) takes precedence over Subsection (2).
(iii) Consistent with Section 53-13-106.9, county sheriffs may enter into agreements with federal agencies that allow concurrent authority to enforce federal laws and state and local laws, provided that:
(A) the agreement is limited to a term of not more than two years; and
(B) the officers granted authority under the agreement have completed a 20-hour training course that is focused on Utah criminal law and procedure and that is approved by the director of the Peace Officer Standards and Training Division.

(e) The council may designate other federal peace officers, as necessary, if the officers:
(i) are persons employed full-time by the United States government as federally recognized law enforcement officers primarily responsible for the investigation and enforcement of the federal laws;
(ii) have successfully completed formal law enforcement training offered by an agency of the federal government consisting of not less than 400 hours; and
(iii) maintain in-service training in accordance with the standards set forth in Section 53-13-103.

(2) Except as otherwise provided under Title 63L, Chapter 1, Federal Jurisdiction, and Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law enforcement authority only if:
(a) the state law enforcement agencies and county sheriffs with jurisdiction enter into an agreement with the federal agency to be given authority; and
(b) except as provided in Subsection (3), each federal officer employed by the federal agency meets the waiver requirements set forth in Section 53-6-206.

(3) A federal officer working as such in the state on or before July 1, 1995, may exercise state law enforcement authority without meeting the waiver requirement.

(4) At any time, consistent with any contract with a federal agency, a state or local law enforcement authority may withdraw state law enforcement authority from any individual federal officer by sending written notice to the federal agency and to the division.

(5) The authority of a federal officer under this section is limited to the jurisdiction of the authorizing state or local agency, and may be further limited by the state or local agency to enforcing specific statutes, codes, or ordinances.

Amended by Chapter 153, 2020 General Session

***Effective 9/1/2025***

**53-13-106 Federal officers -- State law enforcement authority.**

(1)

(a) "Federal agency" means:

(i) the United States Bureau of Land Management;

(ii) the United States Forest Service;

(iii) the National Park Service;

(iv) the United States Fish and Wildlife Service;

(v) the United States Bureau of Reclamation;

(vi) the United States Environmental Protection Agency;

(vii) the United States Army Corps of Engineers; and

(viii) the Department of Veterans Affairs.

(b) "Federal employee" means an employee of a federal agency.

(c) "Federal officer" includes:

(i) a special agent of the Federal Bureau of Investigation;

(ii) a special agent of the United States Secret Service;

(iii) a special agent of the United States Department of Homeland Security, excluding a customs inspector;

(iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;

(v) a special agent of the Drug Enforcement Administration;

(vi) a United States marshal, deputy marshal, and special deputy United States marshal;

(vii) a U.S. postal inspector of the United States Postal Inspection Service; and

(viii) a police officer of the Department of Veterans Affairs.

(d)

(i) Federal officers listed in Subsection (1)(c) have statewide law enforcement authority relating to felony offenses under the laws of this state. This Subsection (1)(d)(i) takes precedence over Subsection (2).

(ii) Federal agencies and federal employees may exercise law enforcement authority related to misdemeanor and felony offenses under Utah law only as established by an agreement as provided in Subsection (1)(d)(iii) and as provided in Section 53-13-106.9 or pursuant to Section 53-13-106.7. This Subsection (1)(d)(ii) takes precedence over Subsection (2).

(iii) Consistent with Section 53-13-106.9, county sheriffs may enter into agreements with federal agencies that allow concurrent authority to enforce federal laws and state and local laws, provided that:

(A) the agreement is limited to a term of not more than two years; and

(B) the officers granted authority under the agreement have completed a 20-hour training course that is focused on Utah criminal law and procedure and that is approved by the director of the Peace Officer Standards and Training Division.

(e) The council may designate other federal peace officers, as necessary, if the officers:

(i) are persons employed full-time by the United States government as federally recognized law enforcement officers primarily responsible for the investigation and enforcement of the federal laws;

(ii) have successfully completed formal law enforcement training offered by an agency of the federal government consisting of not less than 400 hours; and

(iii) maintain in-service training in accordance with the standards set forth in Section 53-13-103.

(2) Except as otherwise provided under Title 63L, Chapter 1, Federal Jurisdiction, and Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law enforcement authority only if:

(a) the state law enforcement agencies and county sheriffs with jurisdiction enter into an agreement with the federal agency to be given authority; and
(b) except as provided in Subsection (3), each federal officer employed by the federal agency meets the waiver requirements set forth in Section 53-6-206.
(3) A federal officer working as such in the state on or before July 1, 1995, may exercise state law enforcement authority without meeting the waiver requirement.
(4) At any time, consistent with any contract with a federal agency, a state or local law enforcement authority may withdraw state law enforcement authority from any individual federal officer by sending written notice to the federal agency and to the division.
(5) The authority of a federal officer under this section is limited to the jurisdiction of the authorizing state or local agency, and may be further limited by the state or local agency to enforcing specific statutes, codes, or ordinances.

Amended by Chapter 243, 2025 General Session

**53-13-106.1 State and local law enforcement officers and federal employees -- Definitions.**

As used in this section and in Sections 53-13-106.2 through 53-13-106.10:
(1) "Exercise law enforcement authority" and "exercise of law enforcement authority" means:
(a) to take any action on private land, state-owned land, or federally managed land, to investigate, stop, serve process, search, arrest, cite, book, or incarcerate a person for a federal, state, or local criminal violation when the action is based on:
(i) a federal statute, regulation, or rule;
(ii) a state or local statute, ordinance, regulation, or rule; or
(iii) a state or local statute, ordinance, regulation, or rule that is being enforced by a federal agency pursuant to the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or
(b) to gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.
(2) "Federal agency" means a federal agency that manages federally managed land or regulates activities on that land, including:
(a) the United States Bureau of Land Management;
(b) the United States Forest Service;
(c) the National Park Service;
(d) the United States Fish and Wildlife Service;
(e) the United States Bureau of Reclamation;
(f) the United States Environmental Protection Agency;
(g) the United States Army Corps of Engineers; and
(h) the Department of Veterans Affairs.
(3) "Federal employee" means an employee or other agent of a federal agency, but does not include:
(a) a special agent of the Federal Bureau of Investigation;
(b) a special agent of the United States Secret Service;
(c) a special agent of the United States Department of Homeland Security, unless the employee is a customs inspector or detention removal officer;
(d) a special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
(e) a special agent of the United States Drug Enforcement Administration;
(f) a United States marshal, deputy marshal, or special deputy United States marshal;
(g) a United States postal inspector of the United States Postal Inspection Service; or
(h) a police officer of the Department of Veterans Affairs.

(4) "Federally managed land" means land managed by the following federal agencies:
(a) the United States Bureau of Land Management;
(b) the United States Forest Service;
(c) the National Park Service;
(d) the United States Fish and Wildlife Service;
(e) the United States Bureau of Reclamation; and
(f) the Department of Veterans Affairs.
(5) "Proprietary jurisdiction federally managed land" means all federally managed land as defined in this section except:
(a) buildings, installations, and other structures under the exclusive jurisdiction of the Congress of the United States pursuant to the United States Constitution, Article I, Section 8, Clause 17; and
(b) parcels that constitute federal enclaves subject to the concurrent jurisdiction of the United States and the state of Utah.

Amended by Chapter 153, 2020 General Session

**53-13-106.2 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority when based on a federal enactment.**

Subject to Sections 53-13-106.6 and 53-13-106.7, and Subsection 53-13-106.9(1):
(1) State and local law enforcement officers may recognize a federal employee's exercise of law enforcement authority, either on or off federally managed land, when the exercise is consistent with the Constitution of the United States and based on:
(a) a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or
(b) a federal regulation that is authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13.
(2) Notwithstanding Subsection 53-13-106.2(1), state and local law enforcement officers may recognize a federal employee's exercise of law enforcement authority, on federally managed land other than proprietary jurisdiction federally managed land, when the exercise is consistent with the Constitution of the United States and based on:
(a) a federal statute, including the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or
(b) a federal regulation that is authorized by a federal statute including the Assimilative Crimes Act, 18 U.S.C. Sec. 13.

Enacted by Chapter 317, 2014 General Session

**53-13-106.3 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority when based on a state or local enactment.**

Subject to Section 53-13-106.7 and Subsection 53-13-106.9(1), state and local law enforcement officers are not authorized to recognize a federal employee's exercise of law enforcement authority, either on or off federally managed land, when the exercise is based on a state or local statute, ordinance, regulation, or rule.

Enacted by Chapter 317, 2014 General Session

**53-13-106.4 State and county sheriff law enforcement officers and federal employees -- Enforcement of federal laws and regulations by state and county sheriff officers.**

A state law enforcement agency or a county sheriff may assist a federal agency or federal employee to enforce federal statutes and regulations on lands managed pursuant to 43 U.S.C. Secs. 1701-1736 and Secs. 1737-1782, Federal Land Policy Management Act, after the state law enforcement agency or a county sheriff has entered into an agreement authorized by Subsection 53-13-106.9(3).

Enacted by Chapter 317, 2014 General Session

**53-13-106.6 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority to enforce the Federal Land Policy Management Act.**

Notwithstanding Section 53-13-106.2, state and local law enforcement officers are authorized to recognize a federal employee's exercise of law enforcement authority to enforce the provisions of the Federal Land Policy Management Act on proprietary jurisdiction federally managed land, only if the exercise is consistent with the Constitution of the United States and based on:

(1) a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or

(2) a federal regulation that is:

(a) authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; and

(b) necessary to implement the provisions of the Federal Land Policy Management Act with respect to the management, use, and protection of the public lands, including the property located on those lands, as provided in 43 U.S.C. Sec. 1733(a).

Enacted by Chapter 317, 2014 General Session

**53-13-106.7 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority based on state law during emergency.**

Notwithstanding Section 53-13-106.3, state and local law enforcement officers are authorized to recognize a federal employee's limited exercise of law enforcement authority on federally managed land in cases of a violation of a state or local statute, ordinance, regulation, or rule when:

(1) the offense is an emergency and poses an immediate risk of bodily injury or damage to property;

(2) a state, county, or municipal law enforcement officer is not reasonably available to take action;

(3) the action is within the scope of the employee's or official's law enforcement power; and

(4) the federal employee turns the matter, as well as the custody of any detained citizen, over to the state, county, or municipal law enforcement officer for further action as soon as the officer becomes available.

Enacted by Chapter 317, 2014 General Session

**53-13-106.8 State and local law enforcement officers and federal employees -- Use of correctional and communication facilities.**

State and local government agencies may not allow any federal agency access to or use of the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.

Enacted by Chapter 317, 2014 General Session

**53-13-106.9 State and county sheriff law enforcement officers and federal employees -- Interagency agreements.**

Notwithstanding Section 53-13-106.3:

(1) County sheriffs may enter into agreements with federal agencies granting limited authority to specific federal employees to exercise law enforcement powers to enforce federal state and local laws, provided the agreements are limited to a term not to exceed two years and the officers granted authority have completed a 20-hour course focusing on Utah law and process approved by the director of the Peace Officer Standards and Training Division.

(2) State law enforcement agencies may, with the consent of the local county sheriff, enter into agreements as described in Subsection (1), provided that the agreements may not exceed a duration of two years.

(3) Local county sheriffs may enter into agreements with federal agencies requiring fair compensation for assisting a federal agency or federal employee to enforce federal statutes and regulations managed pursuant to 43 U.S.C. Secs. 1701-1736 and 43 U.S.C. Secs. 1737-1782, Federal Land Policy Management Act.

Enacted by Chapter 317, 2014 General Session

**53-13-106.10 State and local law enforcement officers and federal employees -- Review by county sheriffs.**

County sheriffs shall regularly review the duties and activities of federal agencies that have law enforcement responsibilities and that are acting within the jurisdictional area of the county to determine if the federal agencies are acting consistently with this section.

Enacted by Chapter 317, 2014 General Session

**53-13-106.11 Agreement for local law enforcement to enforce federal law -- Legal recourse to enforce.**

(1) As used in this section:

(a) "Bureau" means the Bureau of Land Management, within the department.

(b) "Department" means the United States Department of the Interior.

(2) The chief executive officer of a political subdivision or a county sheriff may, in accordance with Subsection (3), determine that the bureau's failure to enter into an agreement described in Subsection 53-13-106.9(3) violates the political subdivision's rights under 43 U.S.C. Sec. 1733(c)(1).

(3) In evaluating whether a violation of 43 U.S.C. Sec. 1733(c)(1) has occurred, the chief executive officer of a political subdivision or a county sheriff may consider:

(a) whether the bureau or the department has, by the words or actions of an employee or agent of the bureau or department, effectively determined that assistance is necessary in enforcing federal laws and regulations relating to public lands or the resources of public lands;

(b) whether the bureau or the department has:

(i) offered to contract with appropriate officials of the political subdivision that have law enforcement authority in the political subdivision's jurisdiction; and

(ii) made an offer described in Subsection (3)(b)(i) with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing federal laws and regulations relating to public lands or the resources of public lands;

(c) whether the bureau or the department has negotiated on reasonable terms with local officials who have authority to enter into a contract described in Subsection (3)(b);

(d) whether the contract described in Subsection (3)(b) authorizes the local law enforcement officials and the local law enforcement officials' agents to:
(i) carry firearms;
(ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction;
(iii) make arrests without a warrant or process for:
(A) a misdemeanor that a local law enforcement official or an agent of the local law enforcement official has reasonable grounds to believe is being committed in the local law enforcement official's or agent's presence or view; or
(B) a felony if a local law enforcement official or an agent of the local law enforcement official has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
(iv) search without a warrant or process any person, place, or conveyance, in accordance with federal law or rule of law; and
(v) seize without a warrant or process any evidentiary item as provided by federal law;
(e) whether the bureau or department has provided law enforcement training as the bureau or department determines is necessary in order to carry out the contracted responsibilities; and
(f) whether the local law enforcement officials and their agents will be guaranteed, under the contract, all immunities of federal law enforcement officials while exercising the powers and authorities granted in the contract.
(4) If, after consulting with the attorney general, the chief executive officer of a political subdivision or a county sheriff makes the determination described in Subsection (2), the chief executive officer or county sheriff shall:
(a) in accordance with Subsection (5), serve notice of the determination on the bureau personally or by certified mail; and
(b) provide a copy of the notice described in Subsection (4)(a) to the governor, the attorney general, the state's congressional delegation, and the head of the department.
(5) The notice described in Subsection (4) shall include:
(a) a detailed explanation of the basis for determining that the bureau has violated 43 U.S.C. Sec. 1733(c)(1);
(b) a demand that the bureau and the department cease the violation and comply with 43 U.S.C. Sec. 1733(c)(1); and
(c) a specific date, no less than 30 days after the day on which the notice is served, by which time the bureau and the department shall:
(i) cease the violation and comply with 43 U.S.C. Sec. 1733(c)(1); or
(ii) provide the chief executive officer or county sheriff described in Subsection (4) with a plan for ceasing the violation and complying with 43 U.S.C. Sec. 1733(c)(1) that is reasonably acceptable to the political subdivision.
(6) The chief executive officer of a political subdivision or a county sheriff may agree to a plan described in Subsection (5)(c)(ii).
(7)
(a) If, after the notice described in Subsections (4) and (5) is served, the bureau or the department does not respond by the date described in Subsection (5)(c) or otherwise indicate that the bureau or the department is unwilling to take action to cease the violation of 43 U.S.C. Sec. 1733(c)(1), the chief executive officer or county sheriff may, after consultation with the county attorney and the attorney general, pursue all available legal remedies.

(b) In seeking any emergency injunction for a violation of 43 U.S.C. Sec. 1733(c)(1), a chief executive officer of a political subdivision or a county sheriff shall attempt, to the extent possible, to coordinate with the state, the bureau, and the department.

Enacted by Chapter 383, 2016 General Session

**53-13-106.12 Law enforcement actions exceeding jurisdiction over federal land -- Procedure for determination and legal recourse.**

(1) As used in this section:
(a) "Bureau" means the Bureau of Land Management, within the department.
(b) "Department" means the United States Department of the Interior.
(c) "Jurisdictional authorization" means a federal law, or a rule or regulation adopted by the department or the bureau, that:
(i) relates to federal land administered by the bureau; and
(ii) has a logical nexus with a designated purpose of the federal land in question.
(2) The chief executive officer of a political subdivision or a county sheriff may, in accordance with Subsection (3), determine that action of a law enforcement official of the bureau exceeds the bureau's jurisdictional authorization.
(3) In evaluating whether the action described in Subsection (2) exceeds the bureau's jurisdictional authorization, the chief executive officer of a political subdivision or a county sheriff may consider:
(a) the nature and seriousness of the action of the bureau's law enforcement official;
(b) the nature of the bureau's jurisdictional authorization;
(c) the policies, plans, and positions of the political subdivision and county sheriff in the affected county that are relevant to action taken by a law enforcement official of the bureau; and
(d) the extent and nature of any communications between the bureau, the political subdivision, and the county sheriff regarding:
(i) the actions of the bureau's law enforcement official;
(ii) the political subdivision's and county sheriff's policies, plans, and positions; or
(iii) the terms and conditions of an agreement entered into and described in Section 53-13-106.9.
(4) If, after consulting with the governor and the attorney general, the chief executive officer of a political subdivision or a county sheriff makes the determination described in Subsection (2), the chief executive officer or county sheriff shall:
(a) in accordance with Subsection (5), serve notice of the determination on the bureau personally or by certified mail; and
(b) provide a copy of the notice described in Subsection (4)(a) to the governor, the attorney general, the state's congressional delegation, and the head of the department.
(5) The notice described in Subsection (4) shall include:
(a) a detailed explanation of the basis for determining that the actions of a law enforcement official of the bureau exceed the bureau's jurisdictional authority;
(b) a demand that the bureau and the department cease repetition of the law enforcement official's actions, and conform the official's future actions to the bureau's jurisdictional authority; and
(c) a specific date, no less than 30 days after the day on which the notice is served, by which time the bureau and the department shall:
(i) ensure that the bureau's law enforcement official keeps the law enforcement official's actions within the limits of the bureau's jurisdictional authority; or

(ii) provide the chief executive officer or county sheriff described in Subsection (4) with a plan for ensuring that the bureau's law enforcement official's actions will be kept within the limits of the bureau's jurisdictional authority.

(6) The chief executive officer of a political subdivision or a county sheriff may agree to a plan described in Subsection (5)(c)(ii).

(7)

(a) If, after the notice described in Subsections (4) and (5) is served, the bureau or the department does not respond by the date described in Subsection (5)(c) or otherwise indicates that the bureau or department is unwilling to comply with the demands described in Subsections (5)(b) and (c), the chief executive officer or county sheriff may, after consultation with the county attorney, the governor, and the attorney general, pursue all available legal remedies.

(b) In seeking any emergency injunction against the actions of a law enforcement official of the bureau that exceed the bureau's jurisdictional authority, a chief executive officer of a political subdivision or a county sheriff shall attempt, to the extent possible, to coordinate with the governor, the attorney general, and the department.

Enacted by Chapter 383, 2016 General Session

**53-13-106.13 Notification requirement for federal officers before the release of an alien within the state.**

(1) As used in this section:

(a)

(i) "Alien" means an individual who is illegally present in the United States.

(ii) "Alien" does not include a permit holder as that term is defined in Section 63G-12-102.

(b) "Custody" means in the physical and legal custody of a federal law enforcement agency.

(c) "Federal law enforcement agency" means an entity or division of the federal government that exists primarily to:

(i) prevent and detect crime and enforce criminal laws, statutes, and ordinances; or

(ii) enforce federal immigration laws.

(d) "Federal officer" means an individual:

(i) who works for a federal law enforcement agency; and

(ii) whose duties consist of the investigation and enforcement of federal laws.

(2) A federal officer may not release an alien from custody within the state unless the federal officer provides written notice three business days before the release to:

(a) the attorney general or the attorney general's designee; and

(b) the county sheriff or the county sheriff's designee of the county in which the release is to take place.

(3) In providing the written notice under Subsection (2)(b), the federal officer shall also provide:

(a) the specific address or location where the alien will be released;

(b) the date and time at which the alien will be released; and

(c) whether the federal officer is aware of any outstanding criminal warrants concerning the alien who will be released.

Enacted by Chapter 130, 2024 General Session

**53-13-107 Basic training requirements for position -- Peace officers temporarily in the state.**

(1)

(a) Any person who has satisfactorily completed, before the effective date of this chapter, an approved basic training program required of the person's position may act in a certified capacity without completion of an additional basic training program.
(b) Any person hired, appointed, or elected to any position designated in this chapter, except federal officer, shall satisfactorily complete the required basic training required of that position before the person is authorized to exercise peace officer powers under this chapter.
(2) Any peace officer employed by a law enforcement agency of another state and functioning in that capacity within Utah on a temporary basis is considered certified under Utah law:
(a) while functioning as a peace officer within the state at the request of a Utah law enforcement agency; or
(b) when conducting business as a representative of a law enforcement agency from another state.

Amended by Chapter 156, 2004 General Session

**53-13-108 Retirement.**

Eligibility for coverage under the Public Safety Contributory Retirement System or Public Safety Noncontributory Retirement System for persons and political subdivisions included in this chapter is governed by Title 49, Chapter 14, Public Safety Contributory Retirement Act, Chapter 15, Public Safety Noncontributory Retirement Act, and Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act.

Amended by Chapter 266, 2010 General Session

**53-13-109 References in other provisions.**

When the term peace officer is used in any other provision of law, the term includes anyone authorized to exercise authority as provided in this chapter, except federal officers.

Renumbered and Amended by Chapter 282, 1998 General Session

**53-13-110 Duties to investigate specified instances of abuse or neglect.**

In accordance with the requirements of Section 80-2-703, law enforcement officers shall investigate alleged instances of abuse or neglect of a child that occur while the child is in the custody of the Division of Child and Family Services, within the Department of Health and Human Services.

Amended by Chapter 328, 2023 General Session

**53-13-110.5 Retention of records of interviews of minors.**

If a peace officer, or the officer's employing agency, records an interview of a minor during an investigation of a violation of Section 76-5-402.1, 76-5-402.3, 76-5-403.1, 76-5-404.1, or 76-5-404.3, the agency shall retain a copy of the recording for 18 years after the day on which the last recording of the interview is made, unless the prosecuting attorney requests in writing that the recording be retained for an additional period of time.

Amended by Chapter 430, 2022 General Session

**53-13-111 Peace officers serving in a reserve or auxiliary capacity.**

(1)
(a) Nothing in this chapter shall preclude any law enforcement agency of the state or any of its political subdivisions from utilizing a sworn and certified peace officer in a reserve or auxiliary capacity.
(b) A reserve or auxiliary officer has peace officer authority only while engaged in the reserve or auxiliary activities authorized by the chief or administrator of the agency the officer serves and shall only exercise that spectrum of peace officer authority:
(i) that the supervising agency is empowered to delegate; and
(ii) for which the officer has been trained and certified.
(2) While serving as a nonpaid volunteer in a reserve or auxiliary capacity, or working part-time for fewer hours than that which would qualify the officer as an "employee" under state or federal law, a peace officer is entitled to benefits in accordance with Title 67, Chapter 20, Volunteer Government Workers Act.
(3) The agency the reserve or auxiliary officer serves shall ensure that the officer meets the basic and in-service training requirements of the peace officer classification in which the officer will function.

Amended by Chapter 92, 1999 General Session

**53-13-112 Auxiliary officer.**
(1) An auxiliary officer is a specific category of special function officer and is required to have the level of training of a special function officer as provided in Section 53-13-105, including no fewer than 40 hours per year of in-service training.
(2) An auxiliary officer:
(a) shall work under the direction and immediate supervision of a certified law enforcement officer as defined in Section 53-13-103;
(b) is limited to the role of back-up officer to a law enforcement officer;
(c) may not initiate any action authorized for a law enforcement officer in Section 53-13-103; and
(d) may be separated from a law enforcement officer only under exigent circumstances or when engaged in functions not exclusive to law enforcement, which functions are defined by the division by rule.

Enacted by Chapter 92, 1999 General Session

**53-13-113 Authority of peace officers to administer oaths.**
A peace officer, as defined in Section 53-1-102, who is acting within the scope of the peace officer's official duties may administer oaths.

Amended by Chapter 302, 2025 General Session

**53-13-114 Off-duty peace officer working as a security officer.**
A peace officer may engage in off-duty employment as a security officer under Section 58-63-304 only if:
(1) the law enforcement agency employing the peace officer:
(a) has a written policy regarding peace officer employees working while off-duty as security officers; and
(b) the policy under Subsection (1)(a) is:
(i) posted and publicly available on the appropriate city, county, or state website; or

(ii) posted on the Utah Public Notice Website created in Section 63A-16-601 if the law enforcement agency does not have access to a website under Subsection (1)(b)(i).
(2) the agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a security officer; and
(3) the business or entity employing the off-duty peace officer to work as a security officer complies with state and federal income reporting and withholding requirements regarding the off-duty officer's wages.

Amended by Chapter 84, 2021 General Session
Amended by Chapter 345, 2021 General Session

**53-13-115 Peace officer restraint prohibition.**
(1) A peace officer may not restrain a person by the application of a knee applying pressure to the neck or throat of a person.
(2) A violation of this section shall be referred separately to the county or district attorney for review, and to the Peace Officer Standards and Training Council for investigation.
(3) A violation of this section is a third degree felony.
(4) If the violation results in:
(a) serious bodily injury or loss of consciousness, it is a second degree felony; or
(b) death, it is a first degree felony.

Enacted by Chapter 6, 2020 Special Session 5

**53-13-116 Report required after pointing a firearm at an individual.**
(1) As used in this section:
(a) "Conductive energy device" means a weapon that uses electrical current to disrupt voluntary control of muscles.
(b) "Firearm" means the same as that term is defined in Section 76-11-101.
(c) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(d) "Officer-involved critical incident" means the same as that term is defined in Section 76-2-408.
(2) A law enforcement officer shall file a report described in Subsection (3) if, during the performance of the officer's duties:
(a) the officer points a firearm at an individual; or
(b) the officer aims a conductive energy device at an individual and displays the electrical current.
(3)
(a) A report described in Subsection (2) shall include:
(i) a description of the incident;
(ii) the identification of the individuals involved in the incident; and
(iii) any other information required by the law enforcement agency.
(b) A law enforcement officer shall submit a report required under Subsection (2) to the officer's law enforcement agency within 48 hours after the incident.
(4) A supervisory law enforcement officer shall review a report submitted under Subsection (3)(b).
(5) This section does not apply to:
(a) law enforcement training exercises; or
(b) an officer who, as part of an officer-involved critical incident, engaged in conduct described under Subsection (2)(a) or (2)(b).

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

# Chapter 14
# Peace Officer Information

## Part 1
## Peace Officer Background Checks

**53-14-101 Definitions.**

As used in this part:

(1) "Director" means the director of a training academy.

(2) "Employer" means a public employer or private employer.

(3) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.

(4) "Training academy" means a peace officer training institution certified in accordance with the standards developed under Section 53-6-105.

Amended by Chapter 452, 2023 General Session

**53-14-102 Background check for peace officer applicants.**

A law enforcement agency may not employ a peace officer who is currently working, or has previously worked, for another law enforcement agency unless the hiring law enforcement agency:

(1) confirms that the peace officer is certified by POST or another comparable certifying agency if the peace officer is currently employed, or has previously been employed, by a law enforcement agency in a different state; and

(2) completes a background check that contains the information outlined in Subsection 53-14-103(3).

Enacted by Chapter 452, 2023 General Session

**53-14-103 Law enforcement and training academy applicants -- Employer background information -- Information required upon request.**

(1) Except as provided in Subsection (4), an employer or director shall provide available information regarding an individual in accordance with this section if the request for the information:

  (a) complies with Subsection (2); and

  (b) is submitted by:

    (i) if the individual is applying for employment, a law enforcement agency; or

    (ii) if the individual is applying for admission under Section 53-6-203 to a training academy, the director.

(2) A law enforcement agency or director requesting information under Subsection (1) shall:

  (a) make the request in writing;

  (b) include with the request:

    (i) an authorization signed by the applicant and notarized by a notary public, in which the applicant consents to the release of the requested information and releases the employer or training academy providing the information from liability; and

(ii) a signature by a sworn officer or other authorized representative of the requesting law enforcement agency or the academy; and

(c) address the request to the employer or director.

(3) A law enforcement agency or director requesting information under Subsection (1) shall request:

(a) the date on which the applicant's employment commenced and, if applicable, the date on which the applicant's employment was terminated;

(b) a list of the compensation that the employer provided to the applicant during the course of the employment;

(c) a copy of the application for a position of employment that the applicant submitted to the employer;

(d) a written evaluation of the performance of the applicant;

(e) an attendance record of the applicant noting disciplinary action taken due to the applicant being late or absent without permission;

(f) a record of disciplinary action taken against the applicant;

(g) a statement regarding whether the employer would rehire the applicant and, if the employer would not rehire the applicant, the reasons why;

(h) if applicable, a record setting forth the reason that the employment of the applicant was terminated and whether the termination was voluntary or involuntary;

(i) the record of any final action regarding an applicant's peace officer certification that is based on an investigation concerning the applicant's qualification for certification; and

(j) notice of any pending or ongoing investigation regarding the applicant's certification as a peace officer.

(4)

(a) In the absence of fraud or malice, an employer or training academy is not subject to any civil liability for any relevant cause of action by releasing employment information requested under this section.

(b) This section does not abrogate or lessen the existing common law or statutory privileges and immunities of an employer.

(c) An employer or training academy may not provide information under this section if the disclosure of the information is prohibited under federal or state law.

(5) An employer's refusal to make available information to a law enforcement agency in accordance with this section is grounds for a civil action by the requesting agency for injunctive relief requiring disclosure on the part of the employer.

(6)

(a)

(i) A law enforcement agency may use the information received under this section to determine the suitability of an applicant for employment.

(ii) A director may use the information received under this section to determine the suitability of an applicant for acceptance at the training academy.

(b) Except as provided in Subsection (6)(c), the recipient law enforcement agency and director shall maintain the confidentiality of information received under this section.

(c)

(i) A law enforcement agency shall share information regarding an applicant that the law enforcement agency is in possession of with another law enforcement agency if:

(A) the information is requested by the other law enforcement agency in accordance with this section;

(B) the applicant is also an applicant for any employment position with the other law enforcement agency; and
(C) the confidentiality of the information is otherwise maintained.
(ii) A director shall share information regarding an applicant that is received under this section with another training academy if:
(A) the information is requested by the other training academy in accordance with this section;
(B) the applicant is an applicant for acceptance at the other training academy; and
(C) the confidentiality of the information is otherwise maintained.
(iii) A director shall share information regarding an applicant, attendee, or graduate of a training academy that is received under this section with a law enforcement agency if:
(A) the information is requested by the law enforcement agency in accordance with this section;
(B) the applicant is applying for a position as a peace officer with the law enforcement agency; and
(C) the confidentiality of the information is otherwise maintained.

Enacted by Chapter 452, 2023 General Session

## Part 2
## Law Enforcement Early Intervention

**53-14-201 Definitions.**

As used in this part:
(1) "Early intervention system" means an electronic data-based police management tool designed to track behaviors of a law enforcement officer based on performance factors.
(2) "Grant" means a grant awarded under this part.
(3) "Program" means the Early Intervention Grant Program created in section 53-14-203.

Enacted by Chapter 452, 2023 General Session

**53-14-202 Early intervention system implementation.**

(1) On or before January 1, 2025, a law enforcement agency shall use an early intervention system.
(2) Information contained in an early intervention system is part of a law enforcement officer's internal personnel file and may only be shared in accordance with Section 53-14-103.
(3) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the minimum standards that an early intervention system is required to meet in order for a law enforcement agency to comply with Subsection (1).

Enacted by Chapter 452, 2023 General Session

**53-14-203 Early Intervention System Grant Program.**

(1)
(a) There is created within the department the Early Intervention System Grant Program.
(b) The purpose of the program is to award grants to law enforcement agencies to initially establish an early intervention system.

(2)
(a) A law enforcement agency that submits a proposal for a grant to the department shall include in the proposal:
(i) the plan for establishing and cost of an early intervention system;
(ii) a statement that the early intervention system to be established complies with the standards under Subsection 53-14-202(3);
(iii) any funding sources in addition to the grant for the proposal; and
(iv) other information the department determines necessary to evaluate the proposal.
(b) When evaluating a proposal for a grant, the department shall consider:
(i) whether the proposed early intervention system meets the standards under Subsection 53-14-202(3);
(ii) the cost of the proposal;
(iii) the extent to which additional funding sources may benefit the proposal; and
(iv) the viability and sustainability of the proposal.
(3) Subject to Subsection (2), the department may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:
(a) eligibility criteria for a grant;
(b) the form and process for submitting a proposal to the department for a grant;
(c) the method and formula for determining a grant amount; and
(d) reporting requirements for a grant recipient.

Enacted by Chapter 452, 2023 General Session

# Chapter 15
# Mcgruff Safe House Act

## Part 1
## General Provisions

**53-15-101 Title.**
This chapter is known as the "McGruff Safe House Act."

Renumbered and Amended by Chapter 382, 2008 General Session

**53-15-102 Purpose.**
(1) The Legislature recognizes that children are often in dangerous situations that may be threatening or frightening to them and that there is a need for "safe homes" in our neighborhoods where a child may go for help.
(2) The Legislature also recognizes that along with the need for "safe homes" that children can recognize easily, there is needed a method by which these homes can be identified.
(3) The purpose of this chapter is to:
(a) provide and designate a recognizable symbol for those "safe homes" that children can readily identify; and
(b) establish a method by which local law enforcement agencies can identify and train volunteers who are willing to make their homes "safe homes".

Renumbered and Amended by Chapter 382, 2008 General Session

## Part 2
## Mcgruff House Network Program

**53-15-201 Designation -- Administration.**

(1) The National McGruff House Network Program is hereby designated as the officially recognized statewide "safe house" program for Utah.

(2) The program shall be administered through the Department of Public Safety by the Utah Council for Crime Prevention.

Renumbered and Amended by Chapter 382, 2008 General Session

**53-15-202 Program requirements.**

(1) The statewide program administrator shall:

(a) provide support and training upon request to local law enforcement agencies interested in implementing the program in their area;

(b) provide local programs with signs for display in approved "safe homes"; and

(c) maintain a register of all "safe homes" that includes, at a minimum, the address of the home and the names of all persons living in the home.

(2) The local program shall:

(a) recruit volunteer "safe homes" in neighborhoods with the help of local community groups;

(b) provide training and education to volunteers regarding the program and its use;

(c) provide for an application process for volunteers;

(d) conduct criminal history background checks on volunteers and members of their households;

(e) approve or disapprove applications for "safe homes";

(f) provide education through community programs for parents and children on the program and the proper use of "safe homes";

(g) provide approved "safe homes" with signs for display;

(h) provide procedures by which a "safe home" may be removed from the register; and

(i) provide for a method of renewal of the "safe home" designation in order to keep the registry current and provide for the periodic review of the "safe home", the volunteer, and all members of the household.

Renumbered and Amended by Chapter 382, 2008 General Session

# Chapter 17
# Public Safety Officer and Firefighter Line-of-duty Death Act

## Part 1
## General Provisions

**53-17-101 Title.**

This chapter is known as the "Public Safety Officer and Firefighter Line-of-Duty Death Act."

Enacted by Chapter 166, 2015 General Session

**53-17-102 Definitions.**

As used in this chapter:

(1) "Board" means Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees created in Section 53-17-402.

(2) "Child" or "children" means a child of a member, including a stepchild and a legally adopted child who is under the age of 26.

(3) "Employer" means a law enforcement agency or other state or local government agency that:

(a) is a participating employer; and

(b) employs one or more public safety service employees or firefighter service employees who are eligible to earn service credit in a Utah Retirement System under Title 49, Utah State Retirement and Insurance Benefit Act.

(4) "Firefighter service employee" means the same as that term is defined in Section 49-16-102 or 49-23-102.

(5) "Member" means the same as that term is defined in Section 49-11-102.

(6) "Participating employer" means the same as that term is defined in Section 49-11-102.

(7) "Public safety service employee" means the same as that term is defined in Section 49-14-102, 49-15-102, or 49-23-102.

(8) "Trust Fund" means the Local Public Safety and Firefighter Surviving Spouse Trust Fund created in Section 53-17-301.

Amended by Chapter 303, 2018 General Session

## Part 2
## Health Coverage for a Surviving Spouse

**53-17-201 Surviving spouse and children health, dental, and vision coverage for line-of-duty death.**

(1)

(a) Subject to Subsection (1)(b), and in accordance with this section, an employer shall allow the surviving spouse and children of a member whose death is classified by the Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah State Retirement and Insurance Benefit Act, to remain eligible for the following coverage, if offered by the employer, as if the surviving spouse was an employee of the employer:

(i) health coverage;

(ii) dental coverage; and

(iii) vision coverage.

(b) Except as provided in Subsection (1)(d), the employer shall pay:

(i) 100% of the premium costs for the coverage described in Subsection (1)(a); and

(ii) if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the surviving spouse and dependent children as described under Subsections (1)(a) and (2).

(c) The employer may not require the surviving spouse to pay for premium costs or health savings account contributions as a condition of qualifying to continue to receive the coverage described in Subsection (1)(a).
(d) An employer may pay the amount specified under Subsection (1)(b) through a cost-sharing agreement under Section 53-17-301 associated with the trust fund created under Section 53-17-401.
(2) An employer shall allow a surviving spouse and children to remain eligible to receive coverage from the employer under this section at the option of the surviving spouse:
(a) for the surviving spouse, until the surviving spouse becomes eligible for Medicare; and
(b) for a child, until the child reaches the age of 26.
(3) This section does not apply to:
(a) a member who does not qualify for a line-of-duty death benefit under Title 49, Utah State Retirement and Insurance Benefit Act;
(b) coverage for which, at the time of death, the member did not receive or qualify to receive; or
(c) a member who is covered under Section 49-20-406.

Amended by Chapter 56, 2025 General Session

## Part 3
## Cost-sharing Agreements

**53-17-301 Cost-sharing agreements -- Deadlines -- Terms -- Reports -- Rulemaking.**
(1)
(a) An employer shall participate in the trust fund by:
(i) entering into a cost-sharing agreement with the commissioner under this section; and
(ii) paying the cost-sharing rate determined by the board.
(b)
(i) In accordance with the requirements of this Subsection (1)(b), a participating employer that employs a public safety officer or firefighter but does not cover the public safety officer or firefighter as a public safety service employee or firefighter service employee for retirement purposes may elect to participate in the trust fund in accordance with the requirements of this Subsection (1)(b).
(ii) A participating employer described in Subsection (1)(b)(i) may participate in the trust fund by:
(A) making an election described in Subsection (1)(b)(iii);
(B) entering into a cost-sharing agreement with the commissioner under this section; and
(C) paying the cost-sharing rate determined by the board.
(iii) An election under Subsection (1)(b)(ii)(A) shall be documented by a resolution adopted by the participating employer.
(iv) If a participating employer makes an election under Subsection (1)(b)(ii), the provisions of this part apply to:
(A) the participating employer as an employer; and
(B) all employees of the participating employer as members.
(v) An employee of a participating employer described in this Subsection (1)(b) is not eligible for coverage under Part 2, Health Coverage for a Surviving Spouse, if the employee is

not eligible to earn service credit in a Utah Retirement System under Title 49, Utah State Retirement and Insurance Benefit Act.

(2)

(a) Subject to the terms of the cost-sharing agreement, an employer that participates in accordance with this section, and stays current with its payments, shall be considered to have paid the employer's full obligation under Subsection 53-17-201(1)(b).

(b) An employer that participates in accordance with this section and that does not stay current with its payments may not be covered from the trust fund.

(c) An employer is liable to the trust fund for failure to make a payment pursuant to the cost-sharing agreement in violation of this part.

(3) An employer shall be covered from the trust fund for a line-of-duty death that occurs on or after July 1, 2005.

(4) The commissioner shall:

(a) in consultation with the board, establish a form and language for a cost-sharing agreement required to use trust funds in accordance with this section;

(b) as directed by the board, assess the annual fee amount established by the board;

(c) as directed by the board, establish procedures for an employer participating in the trust fund to be reimbursed for the costs of providing the health coverage benefit under Subsection 53-17-201(1)(b);

(d) prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the trust fund, including its balance, expenditures, and revenues, and the operations and activities of the board under this chapter; and

(e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to implement this chapter.

Amended by Chapter 303, 2018 General Session

## Part 4
## Local Public Safety and Firefighter Surviving Spouse Trust Fund

**53-17-401 Local Public Safety and Firefighter Surviving Spouse Trust Fund.**

(1) There is created a private purpose trust fund entitled the "Local Public Safety and Firefighter Surviving Spouse Trust Fund."

(2) The trust fund consists of:

(a) fees established in Subsection 53-17-402(2)(a);

(b) appropriations made to the fund by the Legislature, if any;

(c) private donations and grants; and

(d) other revenue received from other sources.

(3) The department:

(a) shall account for the receipt and expenditures of trust fund money; or

(b) may enter into contract with a third-party administrator to administer the fund and account for the receipt and expenditure of trust fund money.

(4) The trust fund shall earn interest.

(5) The revenue and interest in the account, less actual administrative costs to the department, shall be used to lower fees paid by an employer under Section 53-17-201.

(6) The board of trustees created in Section 53-17-402 may expend money from the trust fund:

(a) as provided in Subsection 53-17-201(1); and
(b) for reasonable administrative costs that the department and the board of trustees incur in performing their duties for administering the trust fund.
(7) Money deposited into the trust fund is irrevocable and is expended only for the purposes described in this chapter.
(8) Assets of the trust fund are dedicated for the purposes established by statute and administrative rule.
(9) Creditors of the board of trustees and of employers liable for the benefits paid under this chapter may not seize, attach, or otherwise obtain assets of the trust fund.

Amended by Chapter 56, 2025 General Session

**53-17-402 Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees -- Quorum -- Duties -- Establish rates.**

(1)
(a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees composed of four members:
(i) the commissioner of public safety or the commissioner's designee;
(ii) the executive director of the Governor's Office of Planning and Budget or the executive director's designee;
(iii) one person representing municipalities, designated by the Utah League of Cities and Towns; and
(iv) one person representing counties, designated by the Utah Association of Counties.
(b) The commissioner of public safety, or the commissioner's designee, is chair of the board.
(c) Three members of the board are a quorum.
(d) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
(i) Section 63A-3-106;
(ii) Section 63A-3-107; and
(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
(e)
(i) The department shall staff the board of trustees.
(ii) The department shall provide accounting services for the trust fund.
(2) The board shall:
(a) establish rates to charge each employer based on the number of public safety service employees and firefighter service employees who are eligible for the health, dental, and vision coverage under this chapter;
(b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;
(c) meet at least once per year;
(d) review and approve all policies, projections, rules, criteria, procedures, forms, standards, performance goals, and actuarial reports;
(e) review and approve the budget for the trust fund;
(f) review financial records of the trust fund, including trust fund receipts, expenditures, and investments;
(g) commission and obtain financial or actuarial studies of the liabilities for the trust fund;
(h) calculate and approve administrative expenses of the trust fund; and
(i) do any other things necessary to perform the fiduciary obligations under the trust.

Amended by Chapter 56, 2025 General Session

## Part 5
## Death Benefit Assistance

**53-17-501 Death benefit assistance.**

(1) An employer shall notify the governor's office of the line-of-duty death of an active member.

(2) The governor's office shall ensure that the spouse, at the time of death of the active member, or the beneficiary are provided assistance to understand and apply for any death benefit for which the surviving spouse or beneficiaries may be eligible under this chapter, other Utah law, federal law, or local policy or ordinance.

Enacted by Chapter 166, 2015 General Session

# Chapter 17a
# Fallen Officer Memorial Scholarship Program

**53-17a-101 Fallen Officer Memorial Scholarship Program -- Rulemaking.**

(1) As used in this section:

(a) "Child" means an individual who:

(i) is a natural or adopted child of a public safety officer or a firefighter who died in the line of duty; and

(ii) was under the age of 25 at the time of the public safety officer's or firefighter's death.

(b) "Died in the line of duty" means a death that is classified as a line-of-duty death under the provisions of Section 49-14-102, 49-15-102, 49-16-102, or 49-23-102.

(c) "Educational-related expenses" includes tuition, fees, books, and other expenses related to obtaining an education.

(d) "Firefighter" means the same as that term is defined in Section 34A-3-113.

(e) "Public safety officer" means an individual who:

(i) is employed as:

(A) a law enforcement officer in accordance with Section 53-13-103;

(B) a correctional officer in accordance with Section 53-13-104; or

(C) a special function officer in accordance with Section 53-13-105; and

(ii) in the course of the individual's employment, put the individual's life or personal safety at risk.

(2) This section creates the Fallen Officer Memorial Scholarship Program, to be administered by the department.

(3) Subject to legislative appropriations and Subsection (6), the department shall provide $5,000 per year for up to four years to an applicant who:

(a) is a child of a public safety officer or a firefighter who died in the line of duty;

(b) is 17 years old or older;

(c) certifies, on a form provided by the department, that the applicant agrees to use the funds entirely for educational-related expenses; and

(d) fulfills any other application requirement established by the department.

(4) Nothing in this section affects a child's ability to obtain a tuition waiver under Section 53B-8c-103.
(5)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules necessary to administer this section, including:
(i) setting deadlines for receiving applications and supporting documentation; and
(ii) establishing the application process and an appeal process for the Fallen Officer Memorial Scholarship Program.
(b) The department shall include a disclosure on all applications and related materials that the amount of funds provided may be subject to funding or be reduced, in accordance with Subsection (6).
(6)
(a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Income Tax Fund to the department for the costs associated with the Fallen Officer Memorial Scholarship Program authorized under this section.
(b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the Fallen Officer Memorial Scholarship Program, the department may:
(i) reduce the amount of funds distributed to an applicant; or
(ii) distribute funds on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Enacted by Chapter 410, 2023 General Session

## Chapter 18
## Protection of Personal Information of Public Safety Employees

**53-18-102 Definitions.**

As used in this chapter:
(1) "Access software provider" means a provider of software, including client or server software, or enabling tools that do any one or more of the following:
(a) filter, screen, allow, or disallow content;
(b) pick, choose, analyze, or digest content; or
(c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.
(2) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
(3) "Dispatcher" means the same as that term is defined in Section 53-6-102.
(4) "Immediate family member" means a public safety employee's spouse, child, parent, or grandparent who resides with the public safety employee.
(5) "Interactive computer service" means the same as that term is defined in Subsection 47 U.S.C. 230(f).
(6) "Law enforcement officer" or "officer":
(a) means the same as that term is defined in Section 53-13-103;
(b) includes correctional officers as defined in Section 53-13-104; and
(c) refers only to officers who are currently employed by, retired from, or were killed in the line of duty while in the employ of a state or local governmental law enforcement agency.

(7)
(a) "Personal information" means a public safety employee's or a public safety employee's immediate family member's home address, home telephone number, personal mobile telephone number, personal pager number, personal email address, or personal photograph, directions to locate the public safety employee's home, or photographs of the public safety employee's or the public safety employee's immediate family member's home or vehicle.
(b) "Personal information" includes a record or a part of a record that:
(i) a public safety employee who qualifies as an at-risk government employee under Section 63G-2-303 requests to be classified as private under Subsection 63G-2-302(1)(h); and
(ii) is classified as private under Title 63G, Chapter 2, Government Records Access and Management Act.
(8) "Public safety employee" means:
(a) a law enforcement officer;
(b) a dispatcher; or
(c) a current or retired employee or contractor of:
(i) a law enforcement agency; or
(ii) a correctional facility.
(9) "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

Amended by Chapter 367, 2022 General Session

**53-18-103 Internet posting of personal information of public safety employees -- Prohibitions.**
(1)
(a) A state or local governmental agency that receives the form described in Subsection (1)(b) from a public safety employee may not publicly post on the Internet the personal information of the public safety employee employed by the state or local governmental agency.
(b) Each state or local government agency employing a public safety employee shall:
(i) provide a form for a public safety employee to request the removal or concealment of the public safety employee's personal information from the state or local government agencies' publicly accessible websites and databases;
(ii) inform the public safety employee how to submit a form under this section;
(iii) upon request, assist a public safety employee in completing the form;
(iv) include on the form a disclaimer informing the public safety employee that by submitting a completed form the public safety employee may not receive official announcements affecting the public safety employee's property, including notices about proposed annexations, incorporation, or zoning modifications; and
(v) require a form submitted by a public safety employee to be signed by:
(A) for a public safety employee who is a law enforcement officer, the highest ranking elected or appointed official in the officer's chain of command certifying that the individual requesting removal or concealment is a law enforcement officer; or
(B) for a public safety employee who is not a law enforcement officer, the public safety employee's supervisor.
(2) A county clerk, upon receipt of the form described in Subsection (1)(b) from a public safety employee, completed and submitted under this section, shall:
(a) classify the public safety employee's voter registration record in the system, as defined in Section 20A-2-501, as a private record; and

(b) classify the public safety employee's marriage licenses and marriage license applications, if any, as private records.

(3) A county recorder, treasurer, auditor, or tax assessor, upon receipt of the form described in Subsection (1)(b) from a public safety employee, completed and submitted under this section, shall:

(a) provide a method for the assessment roll and index and the tax roll and index that will block public access to the public safety employee's personal information; and

(b) provide to the public safety employee who submits the form a written disclaimer informing the public safety employee that the public safety employee may not receive official announcements affecting the public safety employee's property, including notices about proposed annexations, incorporations, or zoning modifications.

(4) A form submitted under this section remains in effect for the shorter of:

(a) four years from the date on which the form was signed by the public safety employee, regardless of whether the public safety employee's qualifying employment is terminated during the four years; or

(b) one year after official notice of the public safety employee's death is transmitted by the public safety employee's immediate family or the public safety employee's employing agency to all state and local government agencies that are reasonably expected to have records containing personal information of the deceased public safety employee.

(5) Notwithstanding Subsection (4), the public safety employee, or the public safety employee's immediate family if the public safety employee is deceased, may rescind the form at any time.

(6)

(a) An individual may not, with intent to frighten or harass a public safety employee, publicly post on the Internet the personal information of a public safety employee knowing the public safety employee is a public safety employee.

(b) Except as provided in Subsection (6)(c), a violation of Subsection (6)(a) is a class B misdemeanor.

(c) A violation of Subsection (6)(a) that results in bodily injury to the public safety employee, or a member of the public safety employee's immediate family, is a class A misdemeanor.

(d)

(i) Each act against a separate individual in violation of Subsection (6)(a) is a separate offense.

(ii) A defendant may also be charged separately with the commission of any other criminal conduct related to the commission of an offense under Subsection (6)(a).

(7)

(a) A business or association may not publicly post or publicly display on the Internet the personal information of a public safety employee if the public safety employee has, either directly or through an agent designated under Subsection (7)(c), provided to that business or association a written demand to not disclose the public safety employee's personal information.

(b) A written demand made under Subsection (7)(a) by a public safety employee is effective for four years beginning on the day the demand is delivered, regardless of whether the public safety employee's employment as a public safety employee has terminated during the four years.

(c) A public safety employee may designate in writing the public safety employee's employer or, for a public safety employee who is a law enforcement officer, a representative of a voluntary professional association of law enforcement officers to act on behalf of the officer and as the officer's agent to make a written demand under this chapter.

(d)

(i) A business or association that receives a written demand from a public safety employee under Subsection (7)(a) shall remove the public safety employee's personal information from public display on the Internet, including the removal of information provided to cellular telephone applications, within 24 hours of the delivery of the written demand, and shall ensure that the information is not posted again on the same Internet website or any other Internet website over which the recipient of the written demand maintains or exercises control.

(ii) After receiving the public safety employee's written demand, the person, business, or association may not publicly post or publicly display on the Internet, the personal information of the public safety employee.

(iii) This Subsection (7)(d) does not prohibit a telephone corporation, as defined in Section 54-2-1, or the telephone corporation's affiliate or other voice service provider, including providers of interconnected voice over Internet protocol service as defined in 47 C.F.R. 9.3, from transferring the public safety employee's personal information to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, terms of service, or tariff, or is necessary in the event of an emergency, or to collect a debt owed by the public safety employee to the telephone corporation or its affiliate.

(iv) This Subsection (7)(d) does not apply to a telephone corporation or other voice service provider, including providers of interconnected voice over Internet protocol service, with respect to directories or directories listings to the extent the entity offers a nonpublished listing option.

(8)

(a) A public safety employee whose personal information is made public as a result of a violation of Subsection (7) may bring an action seeking injunctive or declarative relief in a court of competent jurisdiction.

(b) If a court finds that a violation has occurred, the court may grant injunctive or declarative relief and shall award the public safety employee court costs and reasonable attorney fees.

(c) If the defendant fails to comply with an order of the court issued under Subsection (8)(b), the court may impose a civil penalty of not more than $1,000 for the defendant's failure to comply with the court's order.

(9)

(a) A person, business, or association may not solicit, sell, or trade on the Internet the personal information of a public safety employee, if:

(i) the dissemination of the personal information poses an imminent and serious threat to the public safety employee's safety or the safety of the public safety employee's immediate family; and

(ii) the person making the information available on the Internet knows or reasonably should know of the imminent and serious threat.

(b)

(i) A public safety employee whose personal information is knowingly publicly posted or publicly displayed on the Internet may bring an action in a court of competent jurisdiction.

(ii) If a jury or court finds that a defendant has committed a violation of Subsection (9)(a), the jury or court shall award damages to the public safety employee in the amount of triple the cost of actual damages or $4,000, whichever is greater.

(10) An interactive computer service or access software is not liable under Subsections (7)(d)(i) and (9) for information or content provided by another information content provider.

(11) Unless a state or local government agency receives a completed form directly from a public safety employee in accordance with Subsection (1), a state or local government official who

makes information available for public inspection in accordance with state law is not in violation of this chapter.

Amended by Chapter 297, 2023 General Session

**53-18-104 Protection of constitutional rights.**

This chapter does not affect, limit, or apply to, any conduct or activities that are protected by the constitution or laws of the state or by the constitution or laws of the United States.

Enacted by Chapter 266, 2017 General Session

# Chapter 19
# Certification of Private Law Enforcement Agency

## Part 1
## General Provisions

**53-19-101 Title.**

This chapter is known as "Certification of Private Law Enforcement Agency."

Enacted by Chapter 349, 2021 General Session

**53-19-102 Definitions.**

As used in this chapter:

(1) "Division" means the Peace Officer Standards and Training Division created in Section 53-6-103.

(2) "Formal action" against a private law enforcement agency includes:

(a) placing a private law enforcement agency on probation;

(b) extending the probation of a private law enforcement agency; or

(c) revoking the certification of a private law enforcement agency.

(3) "Informal action" against a private law enforcement agency includes:

(a) an oral or written warning;

(b) a written reprimand; or

(c) a written order to remedy noncompliance with a provision of this chapter, which may include a deadline for compliance and verification of compliance.

(4) "Private law enforcement agency" means a law enforcement agency operated by, and at, a private institution of higher education.

Enacted by Chapter 349, 2021 General Session

**53-19-103 Rulemaking authority.**

The commissioner shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:

(1) the forms and process to apply for certification of a private law enforcement agency;

(2) methods for the commissioner, the department, or the division to obtain, review, use, and protect, any and all records of, or directly related to, a private law enforcement agency;

(3) requirements for the conduct of a formal hearing under Part 3, Enforcement, including requirements for proceedings, discovery, subpoenas, and witnesses;
(4) requirements for verifying compliance with the terms of probation;
(5) audit procedures;
(6) requirements for the contents of a policies and procedures manual of a private law enforcement agency; and
(7) requirements for the operation of a private law enforcement agency.

Enacted by Chapter 349, 2021 General Session

## Part 2
## Private Law Enforcement Agencies

**53-19-201 Certification of private law enforcement agency.**
(1) A private institution of higher education may operate a private law enforcement agency if the private law enforcement agency is certified by the commissioner.
(2) A private law enforcement agency certified before May 5, 2021:
  (a) is not required to apply for an initial certification under Subsection (4); and
  (b) retains the private law enforcement agency's certification, unless the commissioner revokes the certification in accordance with this chapter.
(3) A private law enforcement agency that is not certified before May 5, 2021:
  (a) is required to apply for initial certification under Subsection (4); and
  (b) retains the private law enforcement agency's certification, unless the commissioner revokes the certification in accordance with this chapter.
(4) To receive initial certification for a private law enforcement agency, the private institution of higher education seeking the certification shall submit to the department an application for certification, designed by the department, that includes:
  (a) a description of the proposed private law enforcement agency, including the number of officers that the private law enforcement agency intends to initially employ;
  (b) the command structure for the proposed private law enforcement agency;
  (c) the private law enforcement agency's proposed policies and procedures manual; and
  (d) any other information required by the commissioner, by a rule described in Section 53-19-103.
(5) The department shall, within 90 days after the day on which the department receives a completed application for certification described in Subsection (4), grant or deny the application.
(6) The commissioner shall:
  (a) grant an application for certification of a private law enforcement agency, if:
    (i) the application is complete;
    (ii) the proposed policies and procedures manual complies with Section 53-19-203, including the rules described in Section 53-19-103;
    (iii) the proposed private law enforcement agency will be organized and operated in a manner that is consistent with the requirements of law, the requirements of administrative rules, and best practices; and
    (iv) the private institution of higher education submitting the application has never had certification of a private law enforcement agency revoked by the commissioner; and
  (b) advise and consult with the applicant to cure any barriers to obtaining certification.

(7) The commissioner shall grant an application for certification of a private law enforcement agency whose certification was previously revoked if:
(a) the private institution of higher education applying for certification:
(i) complies with the provisions described in Subsections (6)(a)(i) through (iii); and
(ii) proves, by clear and convincing evidence, that the reasons for the previous revocation will not reoccur; and
(b) the application is filed at least one year after the day on which the certification was revoked.

Enacted by Chapter 349, 2021 General Session

**53-19-202 Authority of private law enforcement agency -- Requirements -- Delegation of internal investigation.**

(1) A certified private law enforcement agency may function as a law enforcement agency under the authority of the state, within the confines of the campus of the private institution of higher education, to:
(a) prevent, detect, and investigate crime; and
(b) enforce traffic laws and criminal statutes and ordinances.
(2) The authority of a private law enforcement agency does not extend beyond the confines of the campus of the private institution of higher education, except as provided:
(a) under Subsection 53-13-103(3); or
(b) pursuant to an interagency agreement with another law enforcement agency.
(3) A private law enforcement agency shall:
(a) comply with:
(i) the requirements of this chapter;
(ii) rules made under Section 53-19-103; and
(iii) all other requirements of state and federal law;
(b) comply with and enforce the provisions of Sections 53-6-209, 53-6-211, 53-6-307, and 53-6-309;
(c) only employ peace officers and dispatchers who are certified under this title;
(d) if the private law enforcement agency is placed on probation, comply with requirements imposed during the period of probation;
(e) provide any and all records of, or directly related to, the private law enforcement agency that are requested by the commissioner, the department, or the division; and
(f) cooperate with an audit described in Section 53-19-204.
(4) The chief of a private law enforcement agency may, with the consent of the commissioner, delegate the duty to conduct an administrative or internal investigation under Section 53-6-211 to the commissioner or the commissioner's designee if:
(a) the chief requests the commissioner's consent in writing; and
(b) the request is made to avoid:
(i) an actual or potential conflict of interest; or
(ii) an actual or potential allegation of bias.
(5) If the commissioner or the commissioner's designee conducts an administrative or internal investigation under Subsection (4), the commissioner or the commissioner's designee shall report the findings of the investigation to:
(a) the division, in accordance with Section 53-6-211;
(b) the private law enforcement agency; and
(c) the commissioner, if the investigation is conducted by a designee of the commissioner.

Enacted by Chapter 349, 2021 General Session

**53-19-203 Policies and procedures -- Approval -- Modification.**

(1) A private law enforcement agency shall:
  (a) develop a policies and procedures manual that:
    (i) includes clear definitions and clearly and fully explains the policies and procedures;
    (ii) complies with the requirements of law and administrative rules;
    (iii) reflects best practices for a private law enforcement agency; and
    (iv) includes all policies and procedures of the private law enforcement agency;
  (b) review, and revise and update as needed, the policies and procedures manual on at least an annual basis; and
  (c) maintain, and uniformly apply and enforce, the policies and procedures contained in the manual.
(2) A private law enforcement agency shall:
  (a) if the private law enforcement agency was certified before May 5, 2021, submit the private law enforcement agency's policies and procedures manual to the commissioner for approval:
    (i) on or before July 1, 2021;
    (ii) beginning in 2022, on an annual basis; and
    (iii) in addition to the times described in Subsections (2)(a)(i) and (ii), within 14 days after the day on which the commissioner submits a written request for a copy of the manual; or
  (b) if the private law enforcement agency is certified on or after May 5, 2021, submit the private law enforcement agency's policies and procedures manual:
    (i) for initial approval in accordance with Subsection 53-19-201(4)(c);
    (ii) on an annual basis; and
    (iii) in addition to the times described in Subsections (2)(b)(i) and (ii), within 14 days after the day on which the commissioner submits a written request for a copy of the manual.

Enacted by Chapter 349, 2021 General Session

**53-19-204 Audits.**

(1) The commissioner or the commissioner's designee may conduct periodic audits of a private law enforcement agency to ensure compliance with the requirements of this chapter.
(2) The legislative auditor general or the state auditor may conduct an audit of a private law enforcement agency.
(3) A private law enforcement agency shall fully cooperate with an audit conducted under this section.

Enacted by Chapter 349, 2021 General Session

## Part 3
## Enforcement

**53-19-301 Violation by private law enforcement agency -- Action by commissioner.**

(1) If a private law enforcement agency is in violation of, or has violated, a provision of this chapter, the commissioner may:
  (a) take informal action to remedy the violation;

(b) place the private law enforcement agency on probation if the violation is a material violation; or
(c) revoke the certification of the private law enforcement agency if:
(i) the violation is so egregious that it constitutes a violation of public trust;
(ii)
(A) the violation is a material violation;
(B) the private law enforcement agency has committed the same violation on a previous occasion; and
(C) the private law enforcement agency was placed probation or had the certification of the private law enforcement agency revoked for the same violation; or
(iii) after committing a material violation:
(A) the commissioner provides the private law enforcement agency with a written notice described in Subsection (2); and
(B) after the commissioner complies with Subsection (1)(c)(iii)(A), the private law enforcement agency commits the same violation or fails to take the corrective action described in the written notice described in Subsection (2).
(2) The written notice required under Subsection (1)(c)(iii)(A) shall include:
(a) a detailed description of the violation;
(b) a statement that the violation constitutes a material violation;
(c) a detailed description of the action the private law enforcement agency is required to take to remedy the violation; and
(d) a specified, reasonable deadline for taking the action required to remedy the violation.
(3) If a private law enforcement agency on probation is in violation of, or has violated, a material provision of probation, the commissioner may:
(a) take informal action to remedy the violation;
(b) extend an existing period of probation; or
(c) revoke the certification of the private law enforcement agency.
(4) If the commissioner takes action to revoke the certification of a private law enforcement agency, the certification remains in effect until all timely challenges or appeals are concluded and the action of the commissioner becomes final.
(5) The certification of a private law enforcement agency remains in effect while the private law enforcement agency is on probation, unless the certification is revoked in accordance with the provisions of this chapter.

Enacted by Chapter 349, 2021 General Session

**53-19-302 Formal action against a private law enforcement agency.**
(1) If the commissioner determines that a private law enforcement agency violated a provision of this chapter or a requirement of probation, the commissioner may take formal action against the private law enforcement agency in accordance with this section.
(2) Before placing a private law enforcement agency on probation or extending the existing probation period, the commissioner shall provide written notice to the private law enforcement agency that the commissioner intends to take formal action against the private law enforcement agency, that includes:
(a) a statement that the commissioner intends to place the private law enforcement agency on probation or extend an existing period of probation;
(b) a description of the material violations upon which the formal action is based;
(c) a description of the probation period or extended probation period;

(d) a description of the terms of probation;
(e) a statement that the private law enforcement agency has the right to request a formal hearing on the action before an administrative law judge selected by the commissioner; and
(f) information regarding the process and deadline for requesting a hearing.
(3) Within 30 days after the day on which the commissioner provides the notice described in Subsection (2), the private law enforcement agency may request a formal hearing before an administrative law judge selected by the commissioner by submitting the request, in writing, to the commissioner.
(4) If the private law enforcement agency fails to timely request a formal hearing under Subsection (3):
(a) the commissioner may take the action described in Subsection (2)(a); and
(b) the action of the commissioner is final.
(5) If a private law enforcement agency timely requests a formal hearing under Subsection (3), an administrative law judge shall conduct a formal hearing on the action in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(6) The formal hearing shall be recorded and shall address the issue of whether the private law enforcement agency committed the violations included in the notice described in Subsection (2)(b).
(7) If, after the hearing, the administrative law judge issues findings of fact and conclusions of law stating that there is sufficient evidence to demonstrate that the private law enforcement agency committed one or more of the material violations included in the notice described in Subsection (2)(b), the commissioner shall review the findings and may:
(a) place the private law enforcement agency on probation; or
(b) extend an existing period of probation.
(8) If the administrative law judge finds that there is insufficient evidence to demonstrate that the private law enforcement agency committed any of the violations included in the notice described in Subsection (2)(b), the administrative law judge shall dismiss the formal action sought by the commissioner.
(9) A private law enforcement agency may appeal the decision of the administrative law judge and the action taken by the commissioner under Subsection (7), under Title 63G, Chapter 4, Part 4, Judicial Review.
(10) The commissioner may appeal the decision of the administrative law judge under Title 63G, Chapter 4, Part 4, Judicial Review.
(11) Before revoking the certification of a private law enforcement agency, the commissioner shall provide written notice to the private law enforcement agency that the commissioner intends to take formal action against the private law enforcement agency, that includes:
(a) a statement that the commissioner intends to revoke the certification of the private law enforcement agency;
(b) the date that the revocation is scheduled to occur, which date may not be sooner than 180 days after the day on which the commissioner provides the notice described in this Subsection (11);
(c) a detailed description of the violations upon which the formal action is based;
(d) a description of the basis, described in Subsection 53-19-301(1)(c), for seeking revocation of the private law enforcement agency's certification; and
(e) a statement that the private law enforcement agency has the right to demand a judicial determination on the issue of revocation by filing an action in the third district court within 30 days after the day on which the commissioner provides the notice described in this Subsection (11).

(12) If the private law enforcement agency fails to file an action described in Subsection (11)(a) in the third district court within 30 days after the day on which the commissioner provides the notice described in Subsection (11), the private law enforcement agency's certification is revoked on the date described in Subsection (11)(b).
(13) If the private law enforcement agency timely files an action described in Subsection (11)(e), the district court:
(a) shall allow discovery, and otherwise conduct the proceedings, in accordance with the Utah Rules of Civil Procedure;
(b) shall conduct the proceedings as a new action and not as an appellate review;
(c) shall require that the commissioner prove, by a preponderance of the evidence, that the violations described in Subsection (11)(c) occurred;
(d) shall require that, if the court finds that one or more the violations described in Subsection (11)(c) occurred, the commissioner prove, by a preponderance of the evidence, that the violations proven constitute sufficient grounds, under Subsection 53-19-301(1)(c), to revoke certification; and
(e) may not grant any deference to the decisions or findings of the commissioner.
(14) The court shall order revocation of the certification of the private law enforcement agency if the court finds that:
(a) one or more the violations described in Subsection (11)(c) occurred; and
(b) the violations that occurred constitute sufficient grounds, under Subsection 53-19-301(1)(c), to revoke certification.
(15) The court may order that the commissioner may place the private law enforcement agency on probation or extend an existing period of probation, if the court finds that:
(a) one or more violations described in Subsection (11)(c) occurred; and
(b) the violations do not constitute sufficient grounds, under Subsection 53-19-301(1)(c), to revoke certification.

Enacted by Chapter 349, 2021 General Session

## Chapter 21
## Mental Health Resources for First Responders

**53-21-101 Definitions.**
As used in this chapter:
(1) "Crime scene investigator technician" means an individual employed by a law enforcement agency to collect and analyze evidence from crime scenes and crime-related incidents.
(2) "Designated mental health resources liaison" means a non-leadership human resources or other administrative employee designated by a first responder agency who receives and processes a request for mental health resources on behalf of the first responder agency under this chapter.
(3) "First responder" means:
(a) a law enforcement officer, as defined in Section 53-13-103;
(b) an emergency medical technician, as defined in Section 53-2e-101;
(c) an advanced emergency medical technician, as defined in Section 53-2e-101;
(d) a paramedic, as defined in Section 53-2e-101;

(e) a firefighter, as defined in Section 34A-3-113;
(f) a dispatcher, as defined in Section 53-6-102;
(g) a correctional officer, as defined in Section 53-13-104;
(h) a special function officer, as defined in Section 53-13-105, employed by a local sheriff;
(i) a search and rescue worker under the supervision of a local sheriff;
(j) a forensic interviewer or victim advocate employed by a children's justice center established in accordance with Section 67-5b-102;
(k) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who responds to incidents with a law enforcement officer;
(l) a crime scene investigator technician;
(m) a wildland firefighter;
(n) an investigator or prosecutor of cases involving sexual crimes against children; or
(o) a civilian employee of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events.

(4) "First responder agency" means:
(a) a special district, municipality, interlocal entity, or other political subdivision that employs a first responder to provide fire protection, paramedic, law enforcement, or emergency services; or
(b) a certified private law enforcement agency as defined in Section 53-19-102.

(5)
(a) "Mental health resources" means:
(i) an assessment to determine appropriate mental health treatment that is performed by a mental health therapist;
(ii) outpatient mental health treatment provided by a mental health therapist; or
(iii) peer support services provided by a peer support specialist who is qualified to provide peer support services under Subsection 26B-5-102(2)(gg).
(b) "Mental health resources" includes, at a minimum, the following services:
(i) regular periodic screenings for all employees within the first responder agency;
(ii) assessments and availability to mental health services for personnel directly involved in a critical incident within 48 hours of the incident; and
(iii) regular and continuing access to the mental health program for:
(A) spouses and children of first responders;
(B) first responders who have retired or separated from the agency; and
(C) spouses of first responders who have retired or separated from the agency.

(6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(7) "Plan" means a plan to implement or expand a program that provides mental health resources to first responders for which the division awards a grant under this chapter.

(8) "Retired" means the status of an individual who has become eligible, applies for, and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act.

(9) "Separated" means the status of an individual who has separated from employment as a first responder from a first responder agency as a result of a critical incident involving the first responder.

(10) "Small first responder agency" means a first responder agency that:
(a) has 10 or fewer employees;
(b) is primarily staffed by volunteers; or
(c) is located in:
(i) a county of the third, fourth, fifth, or sixth class;
(ii) a city of the third, fourth, fifth, or sixth class; or

(iii) a town.

Amended by Chapter 135, 2025 General Session

**53-21-102 Mental health services -- Requirement to provide -- Eligibility -- Confidentiality -- Requests -- Reporting noncompliance -- Designation.**

(1) Every first responder agency within the state shall provide or make available mental health resources to:
  (a) all first responders;
  (b) the spouse and children of first responders;
  (c) surviving spouses of first responders whose death is classified as a line-of-duty death under Title 49, Utah State Retirement and Insurance Benefit Act;
  (d) retired or separated first responders for at least three years from the date that the retired or separated first responder requests mental health resources, regardless of any subsequent employment as a non-first responder; and
  (e) spouses of retired or separated first responders for at least three years from the date that the spouse of the retired or separated first responder requests mental health resources, regardless of any subsequent employment as a non-first responder.
(2) All access by first responders and their families to mental health resources shall be kept confidential.
(3) A first responder agency shall:
  (a) annually provide information to all employed first responders regarding:
    (i) the availability of mental health resources under this section, including:
      (A) for individuals in addition to the first responders as described in Subsection (1); and
      (B) subsequent to a separation or retirement;
    (ii) how to access the mental health resources under this section; and
    (iii) directions on how to appeal a denial of mental health resources under this section to the department, as provided under Section 53-21-104.3; and
  (b)
    (i) assign a designated mental health resources liaison;
    (ii) inform the department of the identity of the designated mental health resources liaison; and
    (iii) update the department as to the identity of the designated mental health resources liaison when a new individual is assigned.

Amended by Chapter 345, 2024 General Session

**53-21-103 Grants to first responder agencies -- Rulemaking.**

(1) The department may award grants to first responder agencies to provide mental health resources in response to a:
  (a) request for proposal;
  (b) request for qualifications; or
  (c) program description that meets the criteria in Subsection (2).
(2) The request for proposal, request for qualifications, or program description received by the department shall require mental health providers contracted or employed by the first responder agency to have training and experience in working with first responders and provide mental health resources.
(3) An application from a first responder agency for a grant under this chapter shall provide the following details:

(a) a proposed plan to provide mental health resources to first responders in the first responder agency;
(b) the number of first responders to be served by the proposed plan;
(c) how the proposed plan will ensure timely and effective provision of mental health resources to first responders in the first responder agency;
(d) the cost of the proposed plan; and
(e) the sustainability of the proposed plan.

(4) In evaluating a project proposal for a grant under this section, the department shall consider:
(a) the extent to which the first responders that will be served by the proposed plan are likely to benefit from the proposed plan;
(b) the cost of the proposed plan; and
(c) the viability of the proposed plan.

(5) A first responder agency may not apply for a grant to fund a program already in place. However, a request for proposal to fund an expansion of an already existing program shall, in addition to the requirements of Subsection (4), provide:
(a) the scope and cost of the agency's current program;
(b) the number of additional first responders the expansion will serve; and
(c) whether the expansion will provide mental health resources that the current program does not provide.

(6) The department shall prioritize grant funding for small first responder agencies, and may also take into account whether the small first responder agency is or will participate in the department-provided services described in Section 53-21-104.1.

(7) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer this chapter.

(8) The department shall:
(a) notify entities that may be eligible for a grant under this section about the grant program; and
(b) on or before October 1, 2024, and October 1, 2025, provide a report to the Law Enforcement and Criminal Justice Interim Committee that describes:
(i) the number of entities that have been notified by the department about the grant program under this section; and
(ii) the number of grant applications that the department has received.

(9) The department may assist a first responder agency in drafting a grant application under this section.

(10) The department may use up to 25% of the remaining grant funds under this section to provide the mental health resources described in Section 53-21-104.1.

Amended by Chapter 345, 2024 General Session

**53-21-104.1 Department may provide certain mental health resources -- Requirements.**

(1)
(a) In accordance with Subsection (4), the department may, at the department's discretion, provide certain mental health resources to a small first responder agency.
(b) The mental health resources described in Subsection (1)(a) may include an assessment and availability to mental health services for personnel directly involved in a critical incident within 48 hours of the incident.

(2) The department may use a contracted provider to provide the services described in Subsection (1).

(3) If a small first responder agency elects to receive mental health services as provided under this section, the small first responder agency shall designate a representative of the small first responder agency who is responsible for providing a timely notification to the department or the department's designee if a critical incident occurs as described in Subsection (1)(b).
(4) As provided in Subsection 53-21-103(10), the department may use up to 25% of the remaining grant funds for the mental health resources described in this section, and may discontinue the mental health resources once the available grant funding is depleted.

Enacted by Chapter 345, 2024 General Session

**53-21-104.3 Education -- Complaints -- Investigations.**
(1) On or before September 1, 2024, the department shall inform all first responder agencies in the state of the requirements described in Section 53-21-102.
(2) In addition to the notification required under Subsection (1), the department shall, on the department's website, provide information describing:
  (a) an individual's eligibility for mental health resources under Section 53-21-102;
  (b) the statutory definition for mental health resources provided in Section 53-21-101;
  (c) the designated mental health resources liaison for each first responder agency as described in Subsection 53-21-102(3)(b); and
  (d) how to appeal a denial of mental health resources to the department.
(3)
  (a) The department shall investigate a denial of mental health resources that is received under Subsection (2)(d) to determine whether the denial was in violation of this chapter.
  (b) If, after an investigation, the department determines that a first responder agency improperly denied mental health resources in violation of this chapter, the department shall notify the first responder agency and provide 60 days for the first responder agency to correct the improper denial.
  (c) The department shall determine whether a first responder agency has cured the violation within the time described in Subsection (3)(b) and, if the first responder agency has not, the department shall send a letter within a reasonable time identifying the first responder agency and the relevant details of the department's investigation to:
    (i) the commissioner;
    (ii) the chairs of the Law Enforcement and Criminal Justice Interim Committee; and
    (iii) the director of the State Commission on Criminal and Juvenile Justice, who shall refer the matter for investigation under Section 63M-7-204 and may restrict state grant money under Section 63M-7-218.

Enacted by Chapter 345, 2024 General Session

## Chapter 22
## School Security Act

**53-22-101 School Security Act -- Definitions.**
As used in this chapter:
(1) "Advisory board" means the Education Advisory Board created in Section 53-22-104.2.

(2) "County security chief" means the individual whom a county sheriff appoints in accordance with Section 53-22-103 to oversee school safety.
(3) "Local education agency" means the same as that term is defined in Section 53E-1-102.
(4) "Public school" means the same as that term is defined in Section 53G-9-205.1.
(5) "School" means an elementary school or a secondary school that:
(a) is a public school; and
(b) provides instruction for one or more of the grades of kindergarten through grade 12.
(6) "School is in session" means the same as the term is defined in Section 53E-3-516.
(7) "School resource officer" means the same as that term is defined in Section 53G-8-701.
(8) "State security chief" means an individual appointed by the commissioner under Section 53-22-102.
(9) "Task force" means the School Security Task Force created in Section 53-22-104.1.

Amended by Chapter 21, 2024 General Session

**53-22-102 State security chief -- Creation -- Appointment.**
(1) There is created within the department a state security chief.
(2) The state security chief:
(a) is appointed by the commissioner with the approval of the governor;
(b) is subject to the supervision and control of the commissioner;
(c) may be removed at the will of the commissioner;
(d) shall be qualified by experience and education to:
(i) enforce the laws of this state relating to school safety;
(ii) perform duties prescribed by the commissioner; and
(iii) enforce rules made under this chapter.
(3) The state security chief shall:
(a) establish building and safety standards for all public and private schools, including:
(i) coordinating with the State Board of Education to establish the required minimum safety and security standards for all public and private school facilities, including:
(A) limited entry points, including, if applicable, secured entry points for specific student grades or groups;
(B) video surveillance of entrances when school is in session;
(C) subject to Subsection (6), exterior windows surrounding only the immediate entryways and only interior windows of a classroom entrance or instructional area protected by security glazing or ballistic windows;
(D) internal classroom door locks;
(E) bleed kits and first aid kits;
(F) exterior cameras on entrances, parking areas, and campus grounds; and
(G) fencing around playgrounds or supervised parameters using existing and adequate staffing to monitor in consultation with the county security chief;
(ii) establishing a schedule or timeline for existing buildings to come into compliance with this section;
(iii) creating a process to examine plans and specifications for construction or remodeling of a school building, in accordance with Section 53E-3-706;
(iv) recommending to the commissioner the denial or revocation a public or private school's occupancy permit for a building if:
(A) the building does not meet the standards established in this section; and

(B) after consultation with the local governing board, the building remains non-compliant with the standards established in this section;

(v) creating minimum standards for radio communication equipment in every school; and

(vi) establishing a process to approve the safety and security criteria the state superintendent of public instruction establishes for building inspectors described in Section 53E-3-706;

(b) oversee the implementation of the school safety personnel requirements described in Section 53G-8-701.5, including:

(i) in consultation with a county security chief, overseeing the school guardian program described in Section 53-22-105, including approving and coordinating the relevant training programs;

(ii) establishing an application process for approved alternatives to the school safety personnel requirements described in Section 53G-8-701.5;

(iii) selecting training requirements for school safety and security specialists in consultation with the State Board of Education as described in Section 53G-8-701.6;

(iv) as required by Section 53G-8-701.8, tracking each school safety and security director for a local education agency and ensuring that the contact information for the school safety and security directors is readily available to the local law enforcement agency of relevant jurisdiction; and

(v) reviewing and approving the State Board of Education's school resource officer training program as described in Section 53G-8-702;

(c) oversee the creation of school safety trainings, protocols, and incident responses, including:

(i) in consultation with the State Board of Education, defining what constitutes an "active threat" and "developmentally appropriate" for purposes of the emergency response training described in Section 53G-8-803;

(ii) in consultation with the Office of Substance Use and Mental Health, establishing or selecting an adolescent mental health and de-escalation training for school safety personnel;

(iii) consulting with the School Safety Center to develop the model critical incident response that all schools and law enforcement will use during a threat, including:

(A) standardized response protocol terminology for use throughout the state, including what constitutes a threat;

(B) protocols for planning and safety drills, including drills required in a school before the school year begins;

(C) integration and appropriate use of a panic alert device described in Subsection 53G-8-805;

(D) the establishment of incident command for a threat or safety incident, including which entity and individual runs the incident command;

(E) the required components for a communication plan to be followed during an incident or threat;

(F) reunification plan protocols, including the appropriate design and use of an incident command by others responding to or involved in an incident; and

(G) recommendations for safety equipment for schools, including amounts and types of first aid supplies;

(iv) reviewing and suggesting any changes to the response plans and training under Section 53G-8-803;

(v) creating the official standard response protocol described in Section 53G-8-803 for use by schools and law enforcement for school safety incidents; and

(vi) establishing a manner for any security personnel described in Section 53G-8-701.5 to be quickly identified by law enforcement during an incident;

(d) in consultation with the School Safety Center established in Section 53G-8-802:
(i) create a process to receive and analyze the school safety needs assessments described in Section 53G-8-701.5; and
(ii) establish a required data reporting system for public schools to report serious and non-serious threats and other data related to threat assessment that the state security chief determines to be necessary; and
(e) fulfill any other duties and responsibilities determined by the commissioner.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department, in consultation with the state security chief, shall make rules to fulfill the duties described in this section.
(5) The state security chief may delegate duties under this section to a sworn department member with the approval of the commissioner.
(6)
(a) A school building shall come into compliance with window protection requirements in Subsection (3)(a) by:
(i) for schools located in a county of the first or second class, secure exterior windows surrounding only the immediate entryways by July 1, 2035;
(ii) for schools located in a county of the third, fourth, fifth, or sixth class, secure exterior windows surrounding only the immediate entryways by July 1, 2040; and
(iii) for all schools, secure only interior windows of a classroom entrance or instructional area from the floor, by July 1, 2040.
(b) The state security chief may grant an extension to the timelines in this Subsection (6) if requested by a local education agency.

Amended by Chapter 388, 2025 General Session
Amended by Chapter 470, 2025 General Session

**53-22-103 County sheriff responsibilities -- Coordination.**
(1) Each county sheriff shall identify an individual as a county security chief within the sheriff's office to coordinate security responsibilities, protocols, and required trainings between the state security chief, the county sheriff's office, and the corresponding police chiefs whose jurisdiction includes a public school within the county.
(2) The county security chief shall:
(a) in collaboration with the school safety and security specialist described in Section 53G-8-701.6 and a member of the local law enforcement agency of relevant jurisdiction as described in Section 53-25-701:
(i) administer or coordinate with a designee from the local law enforcement agency of relevant jurisdiction to participate in, by any appropriate means the county security chief determines, the school safety needs assessment described in Section 53G-8-701.5; and
(ii) review the results of the school safety needs assessment to recommend and implement improvements to school facilities, policies, procedures, protocols, rules, and regulations relating to school safety and security;
(b) collaborate and maintain effective communications regarding school safety with each:
(i) school safety and security specialist in the county security chief's county, as described in Section 53G-8-701.6;
(ii) school safety and security director in the county security chief's county, as described in Section 53G-8-701.8; and
(iii) local law enforcement agency within the county;

(c) administer with the corresponding police chiefs whose jurisdiction includes a public school, the trainings described in Sections 53-22-105 and 53G-8-704, including:
(i) assessing if an individual is capable of the duties and responsibilities that the trainings cover; and
(ii) denying an individual the ability to be a school safety personnel described in Section 53G-8-701.5 if the county security chief finds the individual is not capable of the duties and responsibilities that the trainings cover; and
(d) in conjunction with the state security chief, administer the school guardian program established in Section 53-22-105 at any school participating in the program in the county security chief's county.

Amended by Chapter 388, 2025 General Session

**53-22-104.1 School Security Task Force -- Membership -- Duties -- Per diem -- Report -- Expiration.**

(1) There is created a School Security Task Force composed of the following members:
(a) the House chair and vice chair of the House Law Enforcement and Criminal Justice Standing Committee during the 2024 General Session, with the House chair serving as the co-chair of the task force;
(b) two members from the Senate, whom the president of the Senate selects and one of whom the president of the Senate appoints as co-chair of the task force;
(c) the state security chief;
(d) one member of the State Board of Education, whom the chair of State Board of Education selects;
(e) a member of the School Safety Center or designee, whom the state security chief selects;
(f) the director of the Utah Division of Juvenile Justice Youth Services or the director's designee;
(g) a member of the Utah School Superintendents Association, whom the chairs select;
(h) the Commissioner of Higher Education or the commissioner's designee;
(i) a school security expert, whom the state security chief selects;
(j) the chief information security officer described in Section 63A-16-210 or the chief's designee;
(k) the director of a school safety foundation established under Section 53-22-108 or the director's designee;
(l) one member of the Chiefs of Police Association from a county of the first or second class;
(m) one member of the Sheriff's Association from a county of the third, fourth, fifth, or sixth class, whom the president of the association selects;
(n) one county security chief, whom the state security chief selects;
(o) a school safety and security director, whom the chairs select;
(p) a school resource officer, whom the state security chief selects; and
(q) a member of the SafeUT and School Safety Commission, whom the chairs select.
(2) The task force shall:
(a) review school safety updates;
(b) study possible recommendations for minimum cybersecurity standards for local education agencies;
(c) consult with the Education Advisory Board created in Section 53-22-104.2; and
(d) develop legislation recommendations as necessary.
(3)
(a) A majority of the members of the task force constitutes a quorum.
(b) The action of a majority of a quorum constitutes an action of the task force.

(4) The Office of Legislative Research and General Counsel shall provide staff for the task force.
(5)
(a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with:
(i) Section 36-2-2;
(ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and
(iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
(b) A member of the task force who is not a legislator may not receive compensation for the member's work associated with the task force but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under:
(i) Sections 63A-3-106 and 63A-3-107; and
(ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 388, 2025 General Session

**53-22-104.2 The School Security Task Force -- Public Education Advisory Board.**
(1) There is created an advisory board to the task force called the Public Education Advisory Board.
(2) The advisory board shall consist of the following members:
(a) the state security chief, who acts as chair of the advisory board;
(b) the construction and facility specialist at the State Board of Education;
(c) the director of school safety and student services at the State Board of Education or the director's designee;
(d) a school nurse, whom the state security chief selects;
(e) a school district technology director, whom the director of school safety and student services selects;
(f) a superintendent from a county of the fourth, fifth, or sixth class, whom the state security chief selects;
(g) a superintendent from a county of the first, second, or third class, whom the state security chief selects;
(h) a charter school director who is employed in a county of the fourth, fifth, or sixth class, whom the state security chief selects;
(i) a charter school director from a county of the first, second, or third class, whom the state security chief selects;
(j) the president of the Utah School Boards Association or the president's designee;
(k) a parent representative from a school community council or parent teacher organization, whom the state security chief selects;
(l) a facilities manager from an LEA in a county of the fourth, fifth, or sixth class, whom the state security chief selects;
(m) a facilities manager from an LEA in county of the first, second, or third class, whom the state security chief selects;
(n) a representative of private schools, whom the state security chief selects; and
(o) a member of the Office of Substance Use and Mental Health, whom the state security chief selects.
(3) The advisory board's purpose is to:
(a) review and provide input on official business of the task force;

(b) provide recommendations and suggestions for the task force's consideration; and
(c) study and evaluate the policies, procedures, and programs implemented for school safety and provide proactive information regarding the implementation.
(4)
(a) A majority of the members of the advisory board constitutes a quorum.
(b) The action of a majority of a quorum constitutes an action of the advisory board.
(5)
(a) The advisory board shall select two members to serve as co-chairs.
(b) The co-chairs are responsible for the call and conduct of meetings.
(6) The staff of the state security chief shall provide staff for the advisory board.
(7) A member of the advisory board who is not a legislator may not receive compensation for the member's work associated with the task force but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under:
(a) Sections 63A-3-106 and 63A-3-107; and
(b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 388, 2025 General Session
Amended by Chapter 470, 2025 General Session

**53-22-105 School guardian program.**
(1) As used in this section:
(a) "Annual training" means an annual four-hour training that:
(i) a county security chief or a designee administers in coordination with personnel from local law enforcement of relevant jurisdiction as described in Section 53-25-701(2)(b);
(ii) the state security chief approves;
(iii) can be tailored to local needs;
(iv) allows an individual to practice and demonstrate firearms proficiency at a firearms range using the firearm the individual carries for self defense and defense of others;
(v) includes the following components:
(A) firearm safety, including safe storage of a firearm;
(B) de-escalation tactics;
(C) the role of mental health in incidents; and
(D) disability awareness and interactions; and
(vi) contains other training needs as determined by the state security chief.
(b) "Biannual training" means a twice-yearly training that:
(i) is at least four hours, unless otherwise approved by the state security chief;
(ii) a county security chief or a designee administers in coordination with personnel from local law enforcement of relevant jurisdiction as described in Section 53-25-701(2)(b);
(iii) the state security chief approves;
(iv) can be tailored to local needs;
(v) through which a school guardian at a school or simulated school environment:
(A) receives training on the specifics of the building or buildings of the school, including the location of emergency supplies and security infrastructure; and
(B) participates in a live-action practice plan with school administrators in responding to active threats at the school; and
(vi) shall be taken with at least three months in between the two trainings.
(c) "Firearm" means the same as that term is defined in Section 76-11-101.

(d) "Initial training" means an in-person training that:
(i) a county security chief or a designee administers in coordination with personnel from local law enforcement of relevant jurisdiction as described in Section 53-25-701(2)(b);
(ii) the state security chief approves;
(iii) can be tailored to local needs; and
(iv) provides:
(A) training on general familiarity with the types of firearms that can be concealed for self-defense and defense of others;
(B) training on the safe loading, unloading, storage, and carrying of firearms in a school setting;
(C) training at a firearms range with instruction regarding firearms fundamentals, marksmanship, the demonstration and explanation of the difference between sight picture, sight alignment, and trigger control, and a recognized pistol course;
(D) current laws dealing with the lawful use of a firearm by a private citizen, including laws on self-defense, defense of others, transportation of firearms, and concealment of firearms;
(E) coordination with law enforcement officers in the event of an active threat;
(F) basic trauma first aid;
(G) the appropriate use of force, emphasizing the de-escalation of force and alternatives to using force; and
(H) situational response evaluations, including:
(I) protecting and securing a crime or accident scene;
(II) notifying law enforcement;
(III) controlling information; and
(IV) other training that the county sheriff, designee, or department deems appropriate.
(e) "Program" means the school guardian program created in this section.
(f)
(i) "School employee" means an employee of a school whose duties and responsibilities require the employee to be physically present at a school's campus while school is in session.
(ii) "School employee" does not include a principal, teacher, or individual whose primary responsibilities require the employee to be primarily present in a classroom to teach, care for, or interact with students, unless:
(A) the principal, teacher, or individual is employed at a school with 350 or fewer students;
(B) the principal, teacher, or individual is employed at a school with adjacent campuses as determined by the state security chief; or
(C) as provided in Subsection 53G-8-701.5(3).
(g) "School guardian" means a school employee who meets the requirements of Subsection (3).
(2)
(a)
(i) There is created within the department the school guardian program.
(ii) The state security chief shall oversee the school guardian program.
(iii) The applicable county security chief shall administer the school guardian program in each county.
(b) The state security chief shall ensure that the school guardian program includes:
(i) initial training;
(ii) biannual training; and
(iii) annual training.
(c) A county sheriff may partner or contract with:

(i) another county sheriff to support the respective county security chiefs in jointly administering the school guardian program in the relevant counties; and
(ii) a local law enforcement agency of relevant jurisdiction to provide the:
(A) initial training;
(B) biannual training; and
(C) annual training.
(3)
(a) A school employee that volunteers to participate is eligible to join the program as a school guardian if:
(i) the school administrator approves the volunteer school employee to be designated as a school guardian;
(ii) the school employee satisfactorily completes initial training within six months before the day on which the school employee joins the program;
(iii) the school employee holds a valid concealed carry permit issued under Chapter 5a, Part 3, Concealed Firearm Permits;
(iv) the school employee certifies to the sheriff of the county where the school is located that the school employee has undergone the training in accordance with Subsection (3)(a)(ii) and intends to serve as a school guardian; and
(v) the school employee:
(A) completes an initial "fit to carry" assessment the Department of Health and Human Services approves and a provider administers; and
(B) maintains compliance with mental health screening requirements consistent with law enforcement standards.
(b) After joining the program a school guardian shall complete annual training and biannual training to retain the designation of a school guardian in the program.
(4) The state security chief shall:
(a) for each school that participates in the program, track each school guardian at the school by collecting the photograph and the name and contact information for each guardian;
(b) make the information described in Subsection (4)(a) readily available to each law enforcement agency in the state categorized by school; and
(c) provide each school guardian with a one-time stipend of $500.
(5) A school guardian:
(a) may store the school guardian's firearm on the grounds of a school only if:
(i) the firearm is stored in a biometric gun safe;
(ii) the biometric gun safe is located in the school guardian's office; and
(iii) the school guardian is physically present on the grounds of the school while the firearm is stored in the safe;
(b) shall carry the school guardian's firearm in a concealed manner; and
(c) may not, unless during an active threat, display or open carry a firearm while on school grounds.
(6) Except as provided in Subsection (5)(c), this section does not prohibit an individual who has a valid concealed carry permit but is not participating in the program from carrying a firearm on the grounds of a public school or charter school under Subsection 76-11-205(4).
(7) A school guardian:
(a) does not have authority to act in a law enforcement capacity; and
(b) may, at the school where the school guardian is employed:
(i) take actions necessary to prevent or abate an active threat; and

(ii) temporarily detain an individual when the school guardian has reasonable cause to believe the individual has committed or is about to commit a forcible felony, as that term is defined in Section 76-2-402.

(8) A school may designate a single volunteer or multiple volunteers to participate in the school guardian program to satisfy the school safety personnel requirements of Section 53G-8-701.5.

(9) The department may adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this section.

(10) A school guardian who has active status in the guardian program is not liable for any civil damages or penalties if the school guardian:

(a) when carrying or storing a firearm:

(i) is acting in good faith; and

(ii) is not grossly negligent; or

(b) threatens, draws, or otherwise uses a firearm reasonably believing the action to be necessary in compliance with Section 76-2-402.

(11) A school guardian shall file a report described in Subsection (12) if, during the performance of the school guardian's duties, the school guardian points a firearm at an individual.

(12)

(a) A report described in Subsection (11) shall include:

(i) a description of the incident;

(ii) the identification of the individuals involved in the incident; and

(iii) any other information required by the state security chief.

(b) A school guardian shall submit a report required under Subsection (11) to the school administrator, school safety and security director, and the state security chief within 48 hours after the incident.

(c) The school administrator, school safety and security director, and the state security chief shall consult and review the report submitted under Subsection (12)(b).

(13) The requirements of Subsections (11) and (12) do not apply to a training exercise.

(14) A school guardian may have the designation of school guardian revoked at any time by the school principal, county sheriff, or state security chief.

(15)

(a) Any information or record created detailing a school guardian's participation in the program is:

(i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(ii) available only to:

(A) the state security chief;

(B) administrators at the school guardian's school;

(C) if applicable, other school safety personnel described in Section 53G-8-701.5;

(D) a local law enforcement agency that would respond to the school in case of an emergency; and

(E) the individual designated by the county sheriff in accordance with Section 53-22-103 of the county of the school where the school guardian in the program is located.

(b) The information or record described in Subsection (15)(a) includes information related to the school guardian's identity and activity within the program as described in this section and any personal identifying information of a school guardian participating in the program collected or obtained during initial training, annual training, and biannual training.

(c) An individual who intentionally or knowingly provides the information described in Subsection (15)(a) to an individual or entity not listed in Subsection (15)(a)(ii) is guilty of a class B misdemeanor.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 388, 2025 General Session
Amended by Chapter 470, 2025 General Session

**53-22-106 Substantial threats against a school reporting requirements -- Exceptions.**

(1) As used in this section, "substantial threat" means a threat made with serious intent to cause harm.

(2) Except as provided in Subsection (3), if a state employee or person in a position of special trust as defined in Section 76-5-404.1, including an individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice Act, has reason to believe a substantial threat against a school, school employee, or student attending a school or is aware of circumstances that would reasonably result in a substantial threat against a school, school employee, or student attending a school, the state employee or person in a position of special trust shall immediately report the suspected substantial threat to:

(a) the local education agency that the substantial threat would impact;

(b) the nearest peace officer or law enforcement agency; and

(c) the state security chief.

(3)

(a)

(i) If the state security chief, a peace officer, or law enforcement agency receives a report under Subsection (2), the state security chief, peace officer, or law enforcement agency shall immediately notify the local education agency that the substantial threat would impact.

(ii) If the local education agency that the substantial threat would impact receives a report under Subsection (2), the local education agency that the substantial threat would impact shall immediately notify the appropriate local law enforcement agency and the state security chief.

(b)

(i) A local education agency that the substantial threat would impact shall coordinate with the law enforcement agency on the law enforcement agency's investigation of the report described in Subsection (1).

(ii) If a law enforcement agency undertakes an investigation of a report under Subsection (2), the law enforcement agency shall provide a final investigatory report to the local education agency that the substantial threat would impact upon request.

(4) Subject to Subsection (5), the reporting requirement described in Subsection (2) does not apply to:

(a) a member of the clergy with regard to any confession an individual makes to the member of the clergy while functioning in the ministerial capacity of the member of the clergy if:

(i) the individual made the confession directly to the member of the clergy;

(ii) the member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of the confession; and

(iii) the member of the clergy does not have the consent of the individual making the confession to disclose the content of the confession; or

(b) an attorney, or an individual whom the attorney employs, if:

(i) the knowledge or belief of the substantial threat arises from the representation of a client; and

(ii) if disclosure of the substantial threat would not reveal the substantial threat to prevent reasonably certain death or substantial bodily harm in accordance with Utah Rules of Professional Conduct, Rule 1.6.

(5)

(a) When a member of the clergy receives information about the substantial threat from any source other than a confession, the member of the clergy shall report the information even if the member of the clergy also received information about the substantial threat from the confession of the perpetrator.

(b) Exemption of the reporting requirement for an individual described in Subsection (4) does not exempt the individual from any other actions required by law to prevent further substantial threats or actual harm related to the substantial threat.

(6) The physician-patient privilege does not:

(a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting under this section; or

(b) constitute grounds for excluding evidence in a judicial or administrative proceeding resulting from a report under this section.

Amended by Chapter 388, 2025 General Session

**53-22-107 Educator-Protector Program.**

(1) As used in this section:

(a) "Annual classroom response training" means a training for a teacher:

(i) that is held at least once a year and is administered, at no cost to a teacher, by the individual identified by the county sheriff as described in Section 53-22-103; and

(ii) where the teacher is trained:

(A) on how to defend a classroom against active threats emphasizing the teacher's role in stationary defense; and

(B) on the safe loading, unloading, storage, and carrying of firearms in a school setting.

(b) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.

(c) "Local education agency" means the same as that term is defined in Section 53E-1-102.

(d) "Program" means the Educator-Protector Program created under this section.

(e) "Teacher" means an individual employed by a local education agency who has an assignment to teach in a classroom.

(2) There is created the Educator-Protector Program to incentivize a teacher to responsibly secure or carry a firearm on the grounds of the school where the teacher is employed.

(3)

(a) To participate in the program, a teacher shall:

(i) have completed an annual classroom response training within six months before the day on which the teacher joins the program;

(ii) have a valid concealed carry permit issued under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits; and

(iii) certify to the department that:

(A) the teacher satisfies the requirements described in Subsections (3)(a)(i) and (3)(a)(ii); and

(B) if applicable, intends to securely store or carry a firearm on the grounds of a school where the teacher is employed.

(b) After joining the program, to retain the teacher's active status in the program, a teacher shall:

(i) participate in annual classroom response training; and

(ii) comply with any rules established by the department in accordance with Subsection (10).

(4)

(a) The state security chief shall:

(i) track each teacher that participates in the program by collecting a photograph, name, and contact information for each teacher;

(ii) make the information described in Subsection (4)(a) readily available to each law enforcement agency in the state; and

(iii) provide reasonable reimbursement, using funds appropriated by the Legislature, to a county sheriff for providing a teacher with annual classroom response training.

(b) The state security chief shall categorize the information described in Subsection (4)(a)(i) by school.

(5) A teacher participating in the program:

(a) may store the teacher's firearm on the grounds of a school only if:

(i) the firearm is stored in a biometric gun safe;

(ii) the biometric gun safe is located in the teacher's classroom or office; and

(iii) the teacher is physically present on the grounds of the school while the firearm is stored in the biometric gun safe; and

(b) shall carry the teacher's firearm in a concealed manner unless during an active threat.

(6) This section does not prohibit an individual who has a valid concealed carry permit but is not participating in the program from carrying firearms on the grounds of a school as described in Subsection 76-11-205(4).

(7)

(a) A teacher who has active status in the program is not liable for any civil damages or penalties if the teacher:

(i) when carrying or storing a firearm:

(A) is acting in good faith; and

(B) is not grossly negligent; or

(ii) threatens, draws, or otherwise uses a firearm reasonably believing the action to be necessary in compliance with Section 76-2-402.

(b) A local education agency is not liable for civil damages or penalties resulting from a teacher who is participating in the program carrying, using, or storing a firearm at a school.

(8) A local education agency may not prevent a teacher from participating in the program under this section.

(9)

(a) Any information or record created detailing a teacher's participation in the program is:

(i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(ii) available only to:

(A) the state security chief;

(B) a local law enforcement agency that would respond to the school in case of an emergency; and

(C) the individual identified by the county sheriff as described in Section 53-22-103.

(b) The information or record described in Subsection (9)(a) includes the information described in Subsection (4)(a)(i) and any personal identifying information of a teacher participating in the program collected or obtained during annual classroom response training.

(c) An individual who intentionally or knowingly provides the information described in Subsection (9)(a) to an individual or entity not listed in Subsection (9)(a)(ii) is guilty of a class A misdemeanor.

(10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may adopt rules to administer this section.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-22-108 School safety foundation.**

(1) As used in this section:
(a) "Authorized foundation" means a nonprofit foundation that:
(i) meets the requirements of this section; and
(ii) the state security chief authorizes in consultation with the School Safety Center created in Section 53G-8-802.
(b) "School safety product" means equipment, technology, service, or material that enhances school safety and security.
(2) The state security chief may approve a nonprofit foundation to be an authorized foundation if the foundation:
(a) maintains status as a nonprofit organization under 26 U.S.C. Sec. 501(c)(3);
(b) has operated continuously in the state for three or more years;
(c) maintains a primary mission focused on school safety;
(d) operates under a board of directors that includes:
(i) a law enforcement representative;
(ii) an educator or school administrator; and
(iii) an emergency management professional;
(e) demonstrates financial stability through:
(i) an annual independent audit;
(ii) maintained reserves; and
(iii) a clean financial record; and
(f) provides evidence of:
(i) successful project management;
(ii) an existing relationship with an educational institution; and
(iii) knowledge of school safety requirements described in federal and state law.
(3) A foundation seeking authorization shall submit to the state security chief:
(a) a written application that demonstrates compliance with Subsection (2);
(b) a financial record for the previous three years;
(c) a current board member qualification;
(d) a proposed school safety initiative; and
(e) an internal procurement policy for purchases not made from a state cooperative contract.
(4) The state security chief shall:
(a) review an application within 60 days;
(b) request additional information if needed;
(c) issue a written decision; and
(d) maintain a public record of an authorized foundation, including records related to the approval process of an authorized foundation.
(5) An authorized foundation may:
(a) use a state cooperative contract in accordance with Section 63G-6a-2105;
(b) make a bulk purchase of a school safety product; and
(c) in coordination with the state security chief and the School Safety Center:
(i) facilitate a donation of a school safety product; and

(ii) distribute a product to a school.
(6) An authorized foundation shall:
(a) follow Title 63G, Chapter 6a, Utah Procurement Code, when utilizing a state cooperative contract;
(b) maintain separate accounting for a school safety purchase;
(c) by August 1 of each year, submit an annual report to the state security chief that includes:
(i) any product procured through a state cooperative contract;
(ii) the annual independent audit required in Subsection (2)(e);
(iii) all schools served;
(iv) the total value of a donation facilitated; and
(v) a compliance certification; and
(d) renew authorization every three years.
(7) The state security chief:
(a) may revoke authorization if the authorized foundation:
(i) fails to maintain a requirement of this section;
(ii) engages in financial mismanagement; or
(iii) submits false information in a report required by this section; and
(b) shall, before revoking authorization:
(i) provide written notice to the foundation;
(ii) allow a 30-day period to remedy the violation;
(iii) provide an opportunity for a hearing; and
(iv) issue a final written decision.
(8) Authorization under this section does not:
(a) create state liability;
(b) imply state endorsement;
(c) override a local procurement requirement; and
(d) exempt the foundation from an applicable law.

Enacted by Chapter 388, 2025 General Session

**53-22-109 School safety -- Compliance.**
(1) As used in this section:
(a) "Compliance issue" means a violation of a school safety requirement under:
(i) this chapter; or
(ii) rules established in accordance with this chapter.
(b) "Tiered system of support" means an escalating system of:
(i) technical assistance;
(ii) intervention; and
(iii) corrective action.
(2) The state security chief shall, in collaboration with the School Safety Center:
(a) establish a tiered system of support for a compliance issue;
(b) develop implementation procedures for the system; and
(c) define criteria for:
(i) evaluating a compliance issue;
(ii) assigning an appropriate tier; and
(iii) monitoring progress.
(3) In establishing the system under Subsection (2), the state security chief and School Safety Center shall consider:

(a) severity of the compliance issue;
(b) risk to student and staff safety;
(c) available technical assistance resources;
(d) local education agency capacity; and
(e) required corrective action timelines.

Enacted by Chapter 388, 2025 General Session

# Chapter 25
# Law Enforcement Requirements

## Part 1
## Disclosure and General Reporting Requirements

### 53-25-101 Prohibition on disclosure of identity of minor homicide victim.

(1) As used in this section:
(a) "Criminal homicide" means the same as that term is defined in Section 76-5-201.
(b) "Media outlet" means a bona fide newspaper, magazine, or broadcast media enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of providing news and information to the general public.
(c) "Minor victim" means the victim of a criminal homicide if the victim is younger than 18 years old.
(d) "Parent or legal guardian" does not include an individual who is a suspect or defendant with respect to the criminal homicide.
(2) A law enforcement agency or a law enforcement officer may not disclose the name or other personally identifying information of a minor victim to a representative of a media outlet unless the law enforcement agency or law enforcement officer has made a reasonable effort to obtain the consent of the minor victim's parent or legal guardian for the disclosure.

Amended by Chapter 111, 2024 General Session

### 53-25-102 Standards for oral fluid and portable breath tests -- Rulemaking.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to establish standards for the proper use of oral fluid and portable breath testing as part of a field sobriety test.
(2) Each law enforcement agency shall provide training to ensure that:
(a) oral fluid and portable breath testing techniques and practices comply with the rules described in Subsection (1); and
(b) oral fluid and portable breath testing equipment is used in a manner consistent with manufacturer and industry standards.

Enacted by Chapter 106, 2024 General Session

### 53-25-103 Airport dangerous weapon possession reporting requirements.

(1) As used in this section, "commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(2) Beginning on January 1, 2026, a law enforcement agency having law enforcement jurisdiction over an airport shall annually, on or before April 30, submit a report to the commission detailing:
(a) for an offense described in Subsection 76-11-218(2)(a):
(i) the number of issued written warnings;
(ii) the number of issued citations;
(iii) the number of referrals to a detective; and
(iv) the number of referrals to a prosecutor; and
(b) for an offense described in Subsection 76-11-218(2)(b):
(i) the number of issued written warnings; and
(ii) if applicable, the number of issued citations, including the number of individuals who have received more than one citation for the offense.
(3) The commission shall:
(a) develop a standardized format for reporting the data described in Subsection (2);
(b) compile the data submitted under Subsection (2); and
(c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-25-104 Driving under the influence reporting requirements.**

Beginning on January 1, 2026, a law enforcement agency shall collect and provide to the department's Criminal Investigations and Technical Services Division the driving under the influence crash and arrest data described in Section 53-10-118.

Enacted by Chapter 252, 2025 General Session

**53-25-105 Sharing information with statewide criminal intelligence system.**

Beginning on July 1, 2025, a law enforcement agency shall:
(1) share information from the law enforcement agency's record management system with the department's statewide criminal intelligence system as described in Subsection 53-10-302(8); and
(2) coordinate with the department to enter into a memorandum of understanding or related agreement that may be necessary for the sharing of the information described in Subsection (1).

Enacted by Chapter 252, 2025 General Session

## Part 2
## Sexual assault offense policy and reporting requirements

**53-25-201 Sexual assault offense policy and public information requirements for law enforcement agencies.**

(1)
(a) Beginning January 1, 2024, a law enforcement agency shall create and maintain a policy regarding the law enforcement agency's processes for handling sexual assault investigations.

(b) A policy described under Subsection (1)(a) shall include current best practices for handling sexual assault investigations, including:
(i) protocols and training on responses to sexual trauma;
(ii) emergency response procedures, including prompt contact with the victim and the preservation of evidence; and
(iii) referrals to sexual assault support services.
(c) A law enforcement agency shall publicly post on the law enforcement agency's website the policy described in Subsection (1)(a).
(2) Beginning January 1, 2024, a law enforcement agency shall create and publicly post on the law enforcement agency's website a guide for victims of sexual assault that includes:
(a) a description of the law enforcement agency's processes for handling sexual assault investigations;
(b) contact information for victims of sexual assault to obtain more information from the law enforcement agency; and
(c) referral information for sexual assault victim support services.

Renumbered and Amended by Chapter 111, 2024 General Session

**53-25-202 Sexual assault offense reporting requirements for law enforcement agencies.**
(1) As used in this section:
(a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
(b) "Sexual assault offense" means:
(i) rape, Section 76-5-402;
(ii) rape of a child, Section 76-5-402.1;
(iii) object rape, Section 76-5-402.2;
(iv) object rape of a child, Section 76-5-402.3;
(v) forcible sodomy, Section 76-5-403;
(vi) sodomy on a child, Section 76-5-403.1;
(vii) forcible sexual abuse, Section 76-5-404;
(viii) sexual abuse of a child, Section 76-5-404.1;
(ix) aggravated sexual abuse of a child, Section 76-5-404.3;
(x) aggravated sexual assault, Section 76-5-405; or
(xi) sexual battery, Section 76-5-418.
(2)
(a) Beginning January 1, 2025, a law enforcement agency shall:
(i) annually, on or before April 30, submit a report to the commission for the previous calendar year containing the number of each type of sexual assault offense that:
(A) was reported to the law enforcement agency;
(B) was investigated by a detective; and
(C) was referred to a prosecutor for prosecution; and
(ii) submit a report to the commission on whether the law enforcement agency has created and publicly posted on the law enforcement agency's website:
(A) the policy described in Subsection 53-24-101(1)(a); and
(B) the guide described in Subsection 53-24-101(2)(a).
(b) A law enforcement agency shall:
(i) compile the report described in Subsection (2)(a)(i) for each calendar year in the standardized format developed by the commission under Subsection (3); and

(ii) publicly post the information reported in Subsection (2)(a)(i) on the law enforcement agency's website.

(3) The commission shall:

(a) develop a standardized format for reporting the data described in Subsection (2);

(b) compile the data submitted under Subsection (2); and

(c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.

Amended by Chapter 173, 2025 General Session

**53-25-203 Exemption.**

The provisions of this part do not apply to a law enforcement agency created under Section 41-3-104.

Renumbered and Amended by Chapter 111, 2024 General Session

## Part 3
## Reporting requirements for reverse-location warrants

**53-25-301 Reporting requirements for reverse-location warrants.**

(1) As used in this section:

(a) "Anonymized" means the same as that term is defined in Section 77-23f-101.

(b) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(c) "Electronic device" means the same as that term is defined in Section 77-23f-101.

(d) "Law enforcement agency" means the same as that term is defined in Section 77-23c-101.2.

(e) "Reverse-location information" means the same as that term is defined in Section 77-23f-101.

(f) "Reverse-location warrant" means a warrant seeking reverse-location information under Section 77-23f-102, 77-23f-103, or 77-23f-104.

(2)

(a) Beginning January 1, 2024, a law enforcement agency shall annually on or before April 30 submit a report to the commission with the following data for the previous calendar year:

(i) the number of reverse-location warrants requested by the law enforcement agency under Section 77-23f-102, 77-23f-103, or 77-23f-104;

(ii) the number of reverse-location warrants that a court or magistrate granted after a request described in Subsection (2)(a)(i);

(iii) the number of investigations that used information obtained under a reverse-location warrant to investigate a crime that was not the subject of the reverse-location warrant;

(iv) the number of times reverse-location information was obtained under an exception listed in Section 77-23f-106;

(v) the warrant identification number for each warrant described under Subsection (2)(a)(ii) or (iii); and

(vi) the number of electronic devices for which anonymized electronic device data was obtained under each reverse-location warrant described under Subsection (2)(a)(ii).

(b) A law enforcement agency shall compile the report described in Subsection (2)(a) for each year in the standardized format developed by the commission under Subsection (4).

(3) If a reverse-location warrant is requested by a multijurisdictional team of law enforcement officers, the reporting requirement in this section is the responsibility of the commanding agency or governing authority of the multijurisdictional team.
(4) The commission shall:
(a) develop a standardized format for reporting the data described in Subsection (2);
(b) compile the data submitted under Subsection (2); and
(c) annually on or before August 1, publish on the commission's website a report of the data described in Subsection (2).

Renumbered and Amended by Chapter 111, 2024 General Session

## Part 4
## Reporting requirements for genetic genealogy database utilizations

**53-25-401 Law enforcement reporting requirements for genetic genealogy database utilizations .**
(1) As used in this section:
(a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
(b) "Genetic genealogy database utilization" means the same as that term is defined in Section 53-10-403.7.
(c) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
(d) "Qualifying case" means the same as that term is defined in Section 53-10-403.7.
(2)
(a) Beginning on January 1, 2024, a law enforcement agency shall annually on or before April 30 submit a report to the commission with the following data for the previous calendar year:
(i) the number of genetic genealogy database utilizations requested by the law enforcement agency under Section 53-10-403.7; and
(ii) for each utilization described in Subsection (2)(a)(i):
(A) if applicable, the type of qualifying case;
(B) for a criminal investigation, the alleged offense;
(C) whether the case was a cold case, as that term is defined in Section 53-10-115, at the time of the request for the utilization; and
(D) whether the results of the utilization revealed the identity of the owner of the DNA specimen.
(b) A law enforcement agency shall compile the report described in Subsection (2)(a) for each year in the standardized format developed by the commission under Subsection (4).
(3) If a genetic genealogy database utilization is requested by a multijurisdictional team of law enforcement officers, the reporting requirement in this section is the responsibility of the commanding agency or governing authority of the multijurisdictional team.
(4) The commission shall:
(a) develop a standardized format for reporting the data described in Subsection (2);
(b) compile the data submitted under Subsection (2), including the number of genetic genealogy database utilizations requested by each reporting law enforcement agency; and
(c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.

Renumbered and Amended by Chapter 111, 2024 General Session

## Part 5
## Firearm Reporting Requirements

**53-25-501 Reporting requirements for seized firearms.**

(1) As used in this section:
  (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
  (b) "Firearm" means the same as that term is defined in Section 76-11-101.
  (c) "Restricted person" means a Category I or Category II restricted person under Section 76-11-302 or 76-11-303.
(2) Beginning on July 1, 2026, a law enforcement agency, not including the Department of Corrections, shall annually on or before April 30 report to the commission the following data for the previous calendar year:
  (a) the number of firearms the law enforcement agency lawfully seized from restricted persons;
  (b) the types of firearms the law enforcement agency lawfully seized from restricted persons;
  (c) information on where the restricted persons obtained the firearms seized by the law enforcement agency if the information is known or discoverable by the law enforcement agency; and
  (d) the reasons under Section 76-11-302 or 76-11-303 that made the individuals who had weapons seized restricted persons.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

**53-25-502 Law enforcement agency reporting requirements for certain firearm data.**

(1) As used in this section:
  (a) "Antique firearm" means the same as that term is defined in Section 76-11-101.
  (b) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
  (c) "Firearm" means the same as that term is defined in Section 76-11-101.
  (d)
    (i) "Untraceable firearm" means a firearm:
      (A) that was manufactured, assembled, or otherwise created in a manner such that a serial number or other legally required identifying number or marking is not affixed to the firearm;
      (B) that is made of plastic, fiberglass, or another material that would not be detectable by a detection device commonly used at an airport or other public building for security screening; or
      (C) on which the identifying serial number or other legally required identifying number or marking has been removed or altered such that the firearm's provenance cannot be traced.
    (ii) "Untraceable firearm" does not include an antique firearm.
(2)

(a) Beginning on July 1, 2027, a law enforcement agency shall collect and annually, on or before April 30, report to the commission the following data for the previous calendar year:
(i) the number of criminal offenses reported to, or investigated by, the law enforcement agency in which the law enforcement agency determined that a lost, stolen, or untraceable firearm was used in the commission of the criminal offense, categorized by the type of offense; and
(ii) the number of firearms, separated by each category described in Subsections (2)(a)(ii)(A) through (E), in the custody of the law enforcement agency that were:
(A) returned to the property owner;
(B) destroyed;
(C) retained in evidence or other storage;
(D) transferred to another governmental entity; or
(E) submitted to a non-governmental entity for sale or disposal under Section 77-11a-403.
(b) A law enforcement agency shall compile the data described in Subsection (2)(a) for each calendar year in the standardized format developed by the commission under Subsection (3).
(c) The reporting requirements under Subsection (2)(a)(i) do not apply to a criminal offense or investigation for an offense under Title 23A, Wildlife Resources Act, that involves a firearm.
(3) The commission shall:
(a) develop a standardized format for reporting the data described in Subsection (2);
(b) compile the data submitted under Subsection (2); and
(c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.
(4) This section does not apply to:
(a) the Department of Corrections; or
(b) a law enforcement agency created under Section 41-3-104.

Enacted by Chapter 252, 2025 General Session

## Part 6
## Requirements Related to Criminal Street Gangs

### 53-25-601 Definitions.

As used in this part:
(1) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
(2) "Gang loitering" means the same as that term is defined in Section 76-9-802.
(3) "Public place" means the same as that term is defined in Section 76-9-802.

Enacted by Chapter 173, 2025 General Session

### 53-25-602 Law enforcement officer responsibilities for gang loitering.

(1) If a law enforcement officer observes an individual whom the law enforcement officer reasonably believes to be a member of a criminal street gang engaging in gang loitering in the presence of one or more other individuals in a public place that is designated by a municipal or county legislative body as an area where gang loitering is prohibited under Section 11-48-104 and subject to the penalties under Section 76-9-805, the law enforcement officer shall:

(a) inform the individual and all other individuals engaging in gang loitering with the individual in a group that the area in which the group is loitering by a group containing one or more criminal street gang members is prohibited;
(b) order the individual to disperse and remove the individual from within sight and hearing of the location where the officer issues the order to disperse; and
(c) inform the individuals that any individual in the group will be subject to being charged with a criminal offense and will also be subject to arrest if the individual fails to promptly obey the order to disperse.

(2) The law enforcement officer under Subsection (1) shall also advise the individuals the law enforcement officer is directing to disperse that each of the individuals directed to disperse is subject to being charged with a criminal offense and will also be subject to arrest if the individual is again, within eight hours after the current order to disperse is made:
(a) present in a public place with a group that includes one or more individuals a law enforcement officer reasonably believes to be a member of a criminal street gang; and
(b) within sight or hearing of the location where the law enforcement officer is currently issuing the order to disperse.

(3) This section does not affect or limit an individual's constitutional right to engage in collective advocacy activities that are protected by the constitution or laws of this state or by the constitution or laws of the United States.

(4) A sheriff or chief of police implementing this section shall:
(a) issue a written directive to all agency employees that provides information on preventing the enforcement of this section against individuals who are engaged in constitutionally protected collective advocacy activities;
(b) ensure that all law enforcement officers charged with enforcing this section successfully complete appropriate training on identification of gang members and criminal street gangs; and
(c) ensure that any training described in this section complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Renumbered and Amended by Chapter 173, 2025 General Session

## Part 7
## Requirements for School Safety

**53-25-701 Requirements for school safety.**

(1) As used in this section:
(a) "Local law enforcement agency" means the law enforcement agency with primary jurisdiction over a school's physical location.
(b) "School safety needs assessment" means the assessment required under Section 53G-8-701.5.
(c) "Security camera system" means the system described in Section 53G-8-805.

(2) Each local law enforcement agency shall:
(a) as coordinated with the county security chief described in Section 53-22-103, allocate adequate personnel to participate in the school safety needs assessments with a school's school safety and security specialist as required by Section 53G-8-701.5 for each school within the local law enforcement's jurisdiction;

(b) if a school within the local law enforcement agency's jurisdiction elects to satisfy the requirements described in Subsection 53G-8-701.5(2)(a)(ii) by employing school guardians, assign adequate personnel time as the county security chief determines to assist the county security chief in administering the trainings required under Section 53-22-105;
(c) ensure the school safety and security specialist for each school has all relevant information collected by the county security chief or the local law enforcement agency to submit the completed assessments to the School Safety Center created in Section 53G-8-802 by October 15 of each year;
(d) coordinate with each school within the local law enforcement's jurisdiction to obtain and maintain access to school security camera systems as described in Section 53G-8-805; and
(e) coordinate with the relevant county security chiefs as specified in Sections 53-22-103 and 53-22-105.

Enacted by Chapter 388, 2025 General Session

## Part 8
## Law Enforcement Equipment Requirements

### 53-25-801 Definitions.

As used in this part:
(1)
(a) "Biometric data" means data generated by automatic measurements of an individual's unique biological characteristics.
(b) "Biometric data" includes data described in Subsection (1)(a) that is generated by automatic measurements of an individual's fingerprint.
(c) "Biometric data" does not include:
(i) a physical or digital photograph;
(ii) a video or audio recording; or
(iii) data generated from an item described in Subsection (1)(c)(i) or (ii).
(2) "Portable biometric capture device" means a device or electronic application that:
(a) is able to accurately capture at least one form of an individual's biometric data;
(b) can be carried by a law enforcement officer, either on the law enforcement officer's person or in the law enforcement officer's vehicle; and
(c) is capable of transmitting or allowing for the transfer of captured biometric data into a law enforcement database so that the captured biometric data can be used to identify an individual based on the individual's existing biometric data in the law enforcement database.

Enacted by Chapter 252, 2025 General Session

### 53-25-802 Portable biometric capture method requirement.

Beginning January 1, 2027, a law enforcement agency shall ensure that every law enforcement officer who is on duty outside of the law enforcement agency's facility is supplied with a portable biometric capture device.

Enacted by Chapter 252, 2025 General Session

## Part 9
## Law Enforcement Agency Procedure Requirements

**53-25-901 Definitions.**

As used in this part:

(1) "Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.

(2) "Generative artificial intelligence" means artificial intelligence technology that is capable of creating content such as text, audio, image, or video based on patterns learned from large volumes of data rather than being explicitly programmed with rules.

Enacted by Chapter 330, 2025 General Session

**53-25-902 Use of generative artificial intelligence by law enforcement -- Policy -- Requirements.**

(1)

(a) A law enforcement agency shall have a policy concerning the use of generative artificial intelligence by employees of the law enforcement agency in the course and scope of the law enforcement agency's work.

(b) The policy described in Subsection (1)(a) shall:

(i) include the requirements described in Subsection (2); and

(ii) provide employees of the law enforcement agency with information concerning the use of generative artificial intelligence, including:

(A) which generative artificial intelligence technologies the employees of the law enforcement agency may use;

(B) the uses and tasks for which generative artificial intelligence is permitted;

(C) the importance of reviewing content generated by generative artificial intelligence; and

(D) an acknowledgment that a violation of the policy described in Subsection (1)(a) may result in administrative disciplinary action by the head of the law enforcement agency.

(2) A written police report or other law enforcement record that was created wholly or partially by using generative artificial intelligence shall:

(a) contain within the report or record a disclaimer that the report or record contains content generated by artificial intelligence; and

(b) include a certification by the author of the report or record that the author has read and reviewed the report or record for accuracy.

Enacted by Chapter 330, 2025 General Session

## Part 10
## Requirements Related to Brady Material

**53-25-1001 Definitions.**

As used in this part:

(1) "Brady identification system" means any type of system used by a prosecution agency to assist in tracking and disclosing Brady material to defendants being prosecuted by the prosecution agency.
(2) "Brady material" means potential impeachment information that a prosecutor has disclosed or may disclose to a defendant being prosecuted for a criminal offense relating to conduct of a peace officer who was involved in the arrest or investigation of the defendant.
(3) "Law enforcement agency" means a public agency having general police power and charged with making arrests in connection with enforcement of the criminal laws, statutes, or ordinances of this state or political subdivisions of this state.
(4)
  (a) "Peace officer" means any officer certified in accordance with Chapter 13, Peace Officer Classifications.
  (b) "Peace officer" includes any employee of a law enforcement agency whose job duties include providing courtroom testimony in support of the enforcement of criminal laws, statutes, or ordinances.
(5) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.
(6) "Prosecution agency" means a city attorney, county attorney, district attorney, the attorney general, or other prosecution agency.

Enacted by Chapter 196, 2025 General Session

**53-25-1002 Prosecution agency's requirements related to Brady material.**
(1)
  (a) A prosecution agency may use a Brady identification system to fulfill the prosecution agency's discovery obligations regarding Brady material under federal law, state law, court order, or court rule.
  (b) A prosecution agency is not required to maintain a Brady identification system and may determine that the prosecution agency's discovery obligations regarding Brady material can be met through another procedure.
(2) A prosecution agency that uses a Brady identification system may make disclosures of Brady material to a defendant in a prosecution even if the prosecution agency has not made a final decision regarding whether the peace officer who is the subject of the Brady material will be placed onto the prosecution agency's Brady identification system.
(3)
  (a) Except as provided in Subsection (3)(b), before a prosecution agency may initially place a peace officer on the prosecution agency's Brady identification system, or add additional information to the prosecution agency's Brady identification system regarding a peace officer already on the prosecution agency's Brady identification system for a reason unrelated to the initial placement, the prosecution agency shall:
    (i) provide the peace officer with written notice that the prosecution agency intends to:
      (A) place the peace officer onto the prosecution agency's Brady identification system; or
      (B) if the peace officer is already on the prosecution agency's Brady identification system, add additional information about the peace officer onto the prosecution agency's Brady identification system;
    (ii) provide the peace officer with copies of any documents, records, and other evidence relied upon by the prosecution agency that is seeking to place the peace officer, or add additional information regarding the peace officer, onto the Brady identification system; and

(iii) provide the peace officer with an opportunity to dispute the peace officer's placement, or addition of information regarding the peace officer, onto the Brady identification system.

(b) A prosecution agency is not required to provide the procedures described in Subsection (3)(a) if the Brady material underlying the peace officer's placement onto the Brady identification system relates to a criminal conviction.

(4)

(a) If a peace officer is employed by a law enforcement agency and is placed onto a prosecution agency's Brady identification system in accordance with this section, the prosecution agency shall notify the peace officer's employer regarding the placement.

(b) A peace officer who is placed onto a prosecution agency's Brady identification system before May 7, 2025, may request within 180 calendar days after May 7, 2025, a review by the prosecution agency regarding the peace officer's placement and, if the prosecution agency receives the request, the prosecution agency shall undertake the review.

(5) A prosecution agency that uses a Brady identification system shall adopt a policy, accessible to any peace officer in the prosecution agency's jurisdiction, that includes:

(a) the criteria used by the prosecution agency to place an officer on the prosecution agency's Brady identification system including:

(i) a description of what conduct qualifies as Brady material; and

(ii) a description of other conduct not defined in this part that the prosecution agency determines will get a peace officer placed on the prosecution agency's Brady identification system; and

(b) the rights, procedures, and limitations described in Subsection (3).

(6) If a peace officer is placed onto a prosecution agency's Brady identification system and then is placed on another prosecution agency's Brady identification system, the other prosecution agency:

(a) does not have to provide the peace officer with the rights and procedures described in Subsection (3)(a), if the peace officer's placement is based on the same conduct that led to the peace officer being placed on the initial prosecution agency's Brady identification system and the peace officer was provided the rights and procedures described in Subsection (3)(a) by the initial prosecution agency; and

(b) shall:

(i) provide the peace officer with written notice that the prosecution agency has added the peace officer to the prosecution agency's Brady identification system;

(ii) provide the peace officer with an opportunity to respond in writing to the peace officer's placement on the prosecution agency's Brady identification system; and

(iii) review the peace officer's response described in Subsection (6)(b)(ii).

(7) A peace officer may not seek judicial review of a prosecution agency's determination to place an officer on a Brady identification system in accordance with this section.

(8) Any information or record maintained by a prosecution agency in a Brady identification system is not subject to disclosure under Title 63G, Chapter 2, Government Records Access and Management Act.

(9) This section does not:

(a) create a private cause of action by a peace officer or by a law enforcement agency against a prosecution agency or the prosecution agency's employees for the procedures and determination related to the placement of a peace officer onto a Brady identification system; or

(b) restrict or limit a prosecution agency from fulfilling the prosecution agency's discovery obligations.

Enacted by Chapter 196, 2025 General Session

**53-25-1003 Peace officer and employing law enforcement agency requirements related to Brady material.**

(1)
(a) If a peace officer has been placed onto a prosecution agency's Brady identification system after being provided the rights and procedures described in Subsection 53-25-603(3) and the peace officer is subpoenaed by a different prosecution agency to testify in court, the peace officer shall disclose that placement to the prosecution agency that issued the subpoena as soon as practicable after receiving the subpoena.
(b) If a peace officer fails to disclose the peace officer's placement on a Brady identification system as described in Subsection (1)(a), the peace officer's employing law enforcement agency may take disciplinary action against the peace officer.

(2)
(a) A law enforcement agency may not use the placement of a peace officer onto a Brady identification system as described in Section 53-25-1003 as the sole reason for taking or denying any of the following employment actions against the peace officer:
(i) demotion;
(ii) suspension;
(iii) termination; or
(iv) any other disciplinary action.
(b) Notwithstanding Subsection (2)(a), a law enforcement agency may use the underlying facts of the Brady material that were the basis for the peace officer's placement onto a Brady identification system for taking a disciplinary action against the peace officer in accordance with the law enforcement agency's adopted policies and procedures and governing law.

(3) A chief, sheriff, or administrative officer of a law enforcement agency who knows of an allegation against a peace officer employed by the chief's, sheriff's, or administrative officer's law enforcement agency involving Brady material shall conduct an administrative or internal investigation into the allegation and, if after the law enforcement agency's adopted policies and procedures are followed and the allegation is substantiated, report the findings of the investigation to:
(a) if the law enforcement agency is a private law enforcement agency or a city, county, or other local law enforcement agency, the county attorney of the jurisdiction where the law enforcement agency is located; or
(b) if the law enforcement agency is a state law enforcement agency, to the attorney general.

Enacted by Chapter 196, 2025 General Session

***Effective 1/1/2026***

## Part 11
## Policy for Violation of Protective Orders and Injunctions

***Effective 1/1/2026***

**53-25-1101 Definitions.**

As used in this part:

(1) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
(2) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
(3) "Law enforcement agency" means an entity of the state, a political subdivision of the state, or an entity operated by a private institution of higher education, that exists primarily to prevent and detect crime and enforce criminal laws, statutes, or ordinances.
(4) "Protective order" means a protective order, or ex parte protective order, issued under:
  (a) Title 78B, Chapter 7, Part 2, Child Protective Orders;
  (b) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;
  (c) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;
  (d) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders;
  (e) Title 78B, Chapter 7, Part 8, Criminal Protective Orders; or
  (f) Title 78B, Chapter 7, Part 11, Workplace Violence Protective Orders.
(5) "Stalking injunction" means an injunction, or ex parte injunction, issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions, or Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.

Enacted by Chapter 303, 2025 General Session

***Effective 1/1/2026***

**53-25-1102 Policy and public information requirements for investigations into violations of protective orders or injunctions.**

(1) A law enforcement agency shall create and maintain a policy regarding the law enforcement agency's processes for handling an investigation into an alleged criminal violation of:
  (a) a jail release agreement;
  (b) a jail release court order;
  (c) a protective order; or
  (d) a stalking injunction.
(2) A policy described in Subsection (1) shall include best practices for an employee of the law enforcement agency conducting an investigation into an alleged criminal violation of an agreement, order, or injunction described in Subsection (1), including the proper procedures for:
  (a) investigating an individual who has previously violated an agreement, order, or injunction described in Subsection (1); and
  (b) contacting the victim of a violation of an agreement, order, or injunction described in Subsection (1).
(3) A policy created under Subsection (1) shall be posted on the law enforcement agency's website that includes:
  (a) contact information for a victim of a violation of an agreement, order, or injunction described in Subsection (1) where the victim can obtain relevant information from the law enforcement agency; and
  (b) victim services referral information for a victim of a violation of an agreement, order, or injunction described in Subsection (1).

Enacted by Chapter 303, 2025 General Session

# Chapter 27
# Invisible Condition Alert Program

**53-27-101 Definitions.**

As used in this chapter:

(1) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
(2) "Dispatcher" means the same as that term is defined in Section 53-6-102.
(3) "First responder" means the same as that term is defined in Section 53-3-207.
(4) "Health care professional" means the same as that term is defined in Section 53-3-207.
(5) "Invisible condition" means the same as that term is defined in Section 53-3-207.
(6) "Invisible condition alert program" means the voluntary disclosure of an invisible condition in accordance with Section 53-27-102 or Subsection 41-1a-213(6), 53-3-207(4), or 53-3-805(5).

Enacted by Chapter 456, 2023 General Session

**53-27-102 Invisible condition alert program -- Access to information -- Outreach -- Administrative rulemaking.**

(1) If an individual or an individual's authorized guardian elects to disclose the individual's invisible condition to the individual's local law enforcement agency in accordance with the invisible condition alert program, the department shall provide the individual or the individual's authorized guardian with:
  (a) a form that contains the information described in Subsection 53-3-207(4) or 53-3-805(5); and
  (b) instructions on how the individual or the individual's authorized guardian may submit the form described in Subsection (1)(a) to the individual's local law enforcement agency.
(2) Upon receipt of a completed form described in Subsection (1)(a), a local law enforcement agency shall enter information into the law enforcement agency's record management system or computer-aided dispatch system regarding the individual's election to disclose the individual's invisible condition, including the individual's:
  (a) name;
  (b) residence; and
  (c) invisible condition as reported by the individual and verified by the individual's health care professional.
(3) A local law enforcement agency shall ensure that the information described in Subsection (2) is readily available to a dispatcher when the dispatcher receives a report concerning the name or the address of an individual with an invisible condition who has been entered into the local law enforcement agency's record management system or computer-aided dispatch system.
(4)
  (a) Within 30 days after the day on which a local law enforcement agency receives an individual's or an individual's authorized guardian's written request, the local law enforcement agency shall remove the information regarding the individual's invisible condition from the local law enforcement agency's record management system or computer-aided dispatch system.
  (b) If a local law enforcement agency becomes aware that the individual described in Subsection (2) has permanently moved from the individual's residence described in Subsection (2), the local law enforcement agency may remove the information regarding the individual's invisible condition from the local law enforcement agency's record management system or computer-aided dispatch system.

(5) The department shall prepare outreach materials concerning the invisible condition alert program in coordination with the Department of Health and Human Services as described in Section 26B-7-120.
(6) The department may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish procedures for implementing this section.

Enacted by Chapter 456, 2023 General Session

## Chapter 28
## Place of Last Drink Program

**53-28-101 Definitions.**
(1) "Alcohol-related law enforcement officer" means the same as that term is defined in Section 32B-1-201.
(2) "Alcohol-related traffic stop" means a traffic stop that results in an individual being arrested for an offense described in Subsection 41-6a-501(2)(a) related to alcohol.
(3) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.
(4) "Place of last drink" means the location where an individual obtains and consumes the last alcoholic beverage before the individual is the subject of an alcohol-related traffic stop.
(5) "Retail licensee" means the same as that term is defined in Section 32B-1-102.

Enacted by Chapter 94, 2024 General Session

**53-28-102 Place of last drink reporting requirements.**
(1) The department shall establish a program in accordance with this chapter to:
  (a) identify when an individual's place of last drink is a retail licensee; and
  (b) efficiently share information with alcohol-related law enforcement officers about each retail licensee that is an individual's place of last drink for the purpose of allowing the alcohol-related law enforcement officers to investigate a possible violation of Section 32B-5-306.
(2) In developing the program described in this section, the department shall coordinate with and take input from the Department of Alcoholic Beverage Services created in Section 32B-2-203.
(3) Before November 1, 2025, the department shall provide a written report to the Criminal Justice and Law Enforcement Interim Committee that describes how the department implemented the program, the extent to which the program accomplishes the objectives described in Subsection (1), and any planned or recommended changes.

Enacted by Chapter 94, 2024 General Session

## Chapter 29
## Sex, Kidnap, and Child Abuse Offender Registry

### Part 1
### General Provisions

**53-29-101 Definitions.**

As used in this chapter:

(1) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.

(2) "Certificate of eligibility" means the certificate issued by the bureau described in Section 53-29-207.

(3) "Child abuse offender" means an individual who meets the requirements under Subsection 53-29-202(2)(a).

(4)

(a) "Convicted" means a plea or conviction of:

(i) guilty;

(ii) guilty with a mental illness; or

(iii) no contest.

(b) "Convicted" includes, except as provided in Subsection 53-29-202(4), the period a plea is held in abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.

(c) "Convicted" does not include:

(i) a withdrawn or dismissed plea in abeyance;

(ii) a diversion agreement; or

(iii) an adjudication of a minor for an offense under Section 80-6-701.

(5) "Division" means the Division of Juvenile Justice and Youth Services.

(6) "Employed" means employment that is full time or part time, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(7) "Kidnap offender" means an individual who meets the requirements under Subsection 53-29-202(2)(c).

(8) "Offender" means an individual who qualifies as a sex offender, a kidnap offender, or a child abuse offender as described in Section 53-29-202.

(9)

(a) "Online identifier" means any electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication.

(b) "Online identifier" does not include date of birth, social security number, PIN number, or Internet passwords.

(10) "Primary residence" means the location where an offender regularly resides, even if the offender intends to move to another location or return to another location at a future date.

(11) "Registrable offense" means an offense described in Subsection 53-29-202(1).

(12) "Registration website" means the Sex, Kidnap, and Child Abuse Offender Notification and Registration website described in Section 53-29-404.

(13) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry maintained by the department and created in Section 53-29-102 to monitor and track offenders.

(14) "Registry office" means the office within the department that manages the Sex, Kidnap, and Child Abuse Offender Registry.

(15) "Sex offender" means an individual who meets the requirements under Subsection 53-29-202(2)(b).

(16) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to registration in any jurisdiction.

Enacted by Chapter 291, 2025 General Session

**53-29-102 Sex, Kidnap, and Child Abuse Offender Registry -- Creation -- Purpose.**

(1) The department, to assist law enforcement in investigating kidnapping and sex-related crimes and in apprehending offenders, shall:
(a) develop and operate a system known as the Sex, Kidnap, and Child Abuse Offender Registry to collect, analyze, maintain, and disseminate information on offenders and registrable offenses; and
(b) make information listed in Subsection 53-29-404(3) available to the public.
(2) This chapter does not create or impose any duty on any individual to request or obtain information regarding any offender from the department.

Enacted by Chapter 291, 2025 General Session

## Part 2
## Registrable Offenses, Timelines for Registration, and Petitions for Removal

### 53-29-201 Definitions.

As used in this part:
(1) "Court" means a state, federal, or military court.
(2) "External jurisdiction" means:
(a) a state of the United States not including Utah;
(b) the United States federal government;
(c) Indian country;
(d) a United States territory;
(e) the United States military; or
(f) Canada, Australia, New Zealand, or the United Kingdom.
(3) "Indian country" means:
(a) all land within the limits of an Indian reservation under the jurisdiction of the United States government, regardless of the issuance of any patent, and includes rights-of-way running through the reservation;
(b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory, and whether or not within the limits of a state; and
(c) all Indian allotments, including the Indian allotments to which the Indian titles have not been extinguished, including rights-of-way running through the allotments.
(4) "Natural parent" means a minor's biological or adoptive parent, including the minor's noncustodial parent.
(5) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

Enacted by Chapter 291, 2025 General Session

### 53-29-202 Registrable offenses -- Status as a sex offender, kidnap offender, and child abuse offender established.

(1) An individual is an offender described in Subsection (2) and subject to the requirements, restrictions, and penalties described in this chapter if the individual:
(a) has been convicted in this state of:
(i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
(ii) child torture under Section 76-5-109.4;

(iii) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417;
(iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;
(v) human trafficking for sexual exploitation under Section 76-5-308.1;
(vi) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
(vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
(viii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
(ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided in Subsection 76-5-401(3)(b) or (c);
(x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense unless the individual was younger than 21 years old at the time of the offense then on the individual's second offense;
(xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
(xii) rape under Section 76-5-402;
(xiii) rape of a child under Section 76-5-402.1;
(xiv) object rape under Section 76-5-402.2;
(xv) object rape of a child under Section 76-5-402.3;
(xvi) a felony violation of forcible sodomy under Section 76-5-403;
(xvii) sodomy on a child under Section 76-5-403.1;
(xviii) forcible sexual abuse under Section 76-5-404;
(xix) sexual abuse of a child under Section 76-5-404.1;
(xx) aggravated sexual abuse of a child under Section 76-5-404.3;
(xxi) aggravated sexual assault under Section 76-5-405;
(xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is younger than 18 years old and the offense is committed on or after May 10, 2011;
(xxiii) sexual exploitation of a minor under Section 76-5b-201;
(xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
(xxv) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
(xxvi) incest under Section 76-7-102;
(xxvii) lewdness under Section 76-5-419, if the individual has been convicted of the offense four or more times;
(xxviii) sexual battery under Section 76-5-418, if the individual has been convicted of the offense four or more times;
(xxix) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four or more convictions;
(xxx) lewdness involving a child under Section 76-5-420;
(xxxi) a felony or class A misdemeanor violation of:
(A) voyeurism under Section 76-12-306;
(B) recorded or photographed voyeurism under Section 76-12-307; or
(C) distribution of images obtained through voyeurism under Section 76-12-308;
(xxxii) aggravated exploitation of prostitution under Section 76-5d-208;
(xxxiii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the natural parent of the child victim;
(xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the natural parent of the child victim;
(xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
(xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not the natural parent of the child victim;

(xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the natural parent of the child victim;
(xxxviii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not the natural parent of the child victim;
(xxxix) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the natural parent of the child victim;
(xl) aggravated human smuggling under Section 76-5-310.1, if the offender was not the natural parent of the child victim;
(xli) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the offender was not the natural parent of the child victim; or
(xlii) attempting, soliciting, or conspiring to commit a felony violation of an offense listed in Subsections (1)(a)(i) through (xl);
(b)
(i) has been convicted of a criminal offense, or an attempt, solicitation, or conspiracy to commit a criminal offense in an external jurisdiction that is substantially equivalent to the offense listed in Subsection (1)(a); and
(ii)
(A) is a Utah resident; or
(B) is not a Utah resident and is in this state for a total of 10 days in a 12-month period, regardless of whether the individual intends to permanently reside in this state;
(c)
(i)
(A) is required to register on a registry in an external jurisdiction for individuals who have committed an offense listed in Subsection (1)(a) or a substantially equivalent offense;
(B) is ordered by a court to register on a registry for individuals who have committed an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
(C) would be required to register on a registry in an external jurisdiction for individuals who have committed an offense listed in Subsection (1)(a), or a substantially equivalent offense, if residing in the external jurisdiction of the conviction regardless of the date of the conviction or a previous registration requirement; and
(ii) is in this state for a total of 10 days in a 12-month period, regardless of whether the individual intends to permanently reside in this state;
(d)
(i)
(A) is a nonresident regularly employed or working in this state; or
(B) who is a student in this state; and
(ii)
(A) is convicted of an offense listed in Subsection (1)(a) or a substantially equivalent offense in an external jurisdiction; or
(B) is required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, in the individual's state of residence based on a conviction for an offense that is not substantially equivalent to an offense listed in Subsection (1)(a);
(e) is found not guilty by reason of insanity in this state or in an external jurisdiction of an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
(f)
(i) is adjudicated under Section 80-6-701 for one or more offenses listed in Subsection (1)(a); and

(ii) has been committed to the division for secure care, as defined in Section 80-1-102, for that offense if:
(A) the individual remains in the division's custody until 30 days before the individual's 21st birthday;
(B) the juvenile court extended the juvenile court's jurisdiction over the individual under Section 80-6-605 and the individual remains in the division's custody until 30 days before the individual's 25th birthday; or
(C) the individual is moved from the division's custody to the custody of the department before expiration of the division's jurisdiction over the individual.

(2) Subject to Subsection (3), an individual is:
(a) a child abuse offender if the individual:
(i) has committed, attempted, solicited, or conspired to commit an offense described in Subsection (1)(a)(i) through (ii); or
(ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;
(b) a sex offender if the individual:
(i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)(a)(iii) through (xxxii); or
(ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in Subsections (1)(a)(iii) through (xxxii) or a substantially equivalent offense; or
(c) a kidnap offender if the individual:
(i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)(a)(xxxiii) through (xli); or
(ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in Subsections (1)(a)(xxxiii) through (xli) or a substantially equivalent offense.

(3) An individual who has committed a registrable offense described in Subsection (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense described in Subsection (1)(a) and is required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, in the individual's state of residence is a child abuse offender, sex offender, or kidnap offender based on the individual's status on the registry in the individual's state of residence.

(4) Notwithstanding Subsection 53-29-101(4)(a), a plea of guilty or nolo contendere to a charge of sexual battery or lewdness that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction even if the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Enacted by Chapter 291, 2025 General Session

**53-29-203 Registration lengths -- 10 years -- Lifetime.**

(1) Except as provided in Subsection (2), (3), or (4), an individual who commits a registrable offense is required to register on the registry for:
(a) 10 years after the day on which the offender's sentence for the offense has been terminated if the registrable offense is for:
(i) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (1)(a)(ii) through (xxiv);
(ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
(iii) child torture under Section 76-5-109.4;

(iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the natural parent of the child victim;
(v) human trafficking for labor under Section 76-5-308, if the offender was not the natural parent of the child victim;
(vi) human smuggling under Section 76-5-308.3, if the offender was not the natural parent of the child victim;
(vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not the natural parent of the child victim;
(viii) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the natural parent of the child victim;
(ix) aggravated human smuggling under Section 76-5-310.1;
(x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
(xi) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;
(xii) sexual abuse of a minor under Section 76-5-401.1;
(xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
(xiv) forcible sexual abuse under Section 76-5-404;
(xv) custodial sexual relations under Section 76-5-412;
(xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
(xvii) sexual extortion under Subsection 76-5b-204(2)(a);
(xviii) incest under Section 76-7-102;
(xix) four to seven convictions of lewdness under Section 76-5-419;
(xx) four to seven convictions of sexual battery under Section 76-5-418;
(xxi) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four to seven convictions;
(xxii) lewdness involving a child under Section 76-5-420;
(xxiii) a felony or class A misdemeanor violation of:
(A) voyeurism under Section 76-12-306;
(B) recorded or photographed voyeurism under Section 76-12-307; or
(C) distribution of images obtained through voyeurism under Section 76-12-308;
(xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
(xxv) attempting, soliciting, or conspiring to commit an offense listed in Subsections(1)(a)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a registrable offense; or
(xxvi) attempting, soliciting, or conspiring to commit:
(A) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
(B) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the natural parent of the child victim;
(C) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
(D) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the natural parent of the child victim;
(E) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the offender was not the natural parent of the child victim;
(F) forcible sodomy under Section 76-5-403;
(G) sexual abuse of a child under Section 76-5-404.1;
(H) sexual exploitation of a minor under Section 76-5b-201;
(I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;

(J) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
(K) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
(b) the offender's lifetime if the registrable offense is:
(i) a conviction for an offense described in Subsection (1)(a), if the offender has, at the time of conviction for the offense:
(A) previously been convicted of an offense described in Subsection (1)(a), or a substantially equivalent offense in an external jurisdiction; or
(B) previously been required to register as an offender for an offense described in Subsection (1)(a) committed as a juvenile;
(ii) a following offense, including attempting, soliciting, or conspiring to commit a felony violation of:
(A) child kidnapping under Section 76-5-301.1, if the offender was not the natural parent of the child victim;
(B) rape under Section 76-5-402;
(C) rape of a child under Section 76-5-402.1;
(D) object rape under Section 76-5-402.2;
(E) object rape of a child under Section 76-5-402.3;
(F) sodomy on a child under Section 76-5-403.1;
(G) aggravated sexual abuse of a child under Section 76-5-404.3; or
(H) aggravated sexual assault under Section 76-5-405;
(iii) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
(iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the natural parent of the child victim;
(v) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
(vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the natural parent of the child victim;
(vii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the offender was not the natural parent of the child victim;
(viii) forcible sodomy under Section 76-5-403;
(ix) sexual abuse of a child under Section 76-5-404.1;
(x) sexual exploitation of a minor under Section 76-5b-201;
(xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
(xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
(xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
(xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (1)(b)(ii) through (xiii).
(2) An individual who qualifies as an offender based on a conviction in an external jurisdiction for a registrable offense, or a substantially equivalent offense, and is on an external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is required to register on the registry for the time period required by the external jurisdiction.
(3)
(a) If the sentencing court at any time after an offender is convicted of an offense requiring lifetime registration described in Subsection (1)(b), and after considering the factors described

in Subsection (3)(b), determines that the offender was under 21 years old at the time the offense was committed and the offense did not involve force or coercion, the requirement that the offender register for the offender's lifetime does not apply and the offender shall register for 10 years after the day on which the offender's sentence for the offense has been terminated.

(b) In determining whether an offense committed by an offender involves force or coercion under Subsection (3)(a), the sentencing court shall consider:

(i) the age of the victim;

(ii) the vulnerability of the victim;

(iii) the physical, mental, psychological, or emotional harm the victim suffered from the offense;

(iv) whether the offender used fraud or deception to commit the offense;

(v) if any child sexual abuse material, as that term is defined in Section 76-5b-103, was:

(A) distributed to the victim by the offender; or

(B) distributed, produced, or possessed by the offender at the time of the offense, that involved force or coercion against a victim depicted in the child sexual abuse material; and

(vi) any other factor the sentencing court determines is relevant.

(4) Except for an individual who is adjudicated for a registrable offense and is an offender who meets the requirements under Subsection 53-29-202(1)(f), an individual who is under 18 years old and commits a registrable offense after May 3, 2023, is not subject to registration requirements under this chapter unless the offender:

(a) is charged by criminal information in juvenile court under Section 80-6-503;

(b) is bound over to district court in accordance with Section 80-6-504; and

(c) is convicted of a registrable offense.

(5) An offender subject to the 10-year or lifetime registration requirements under Subsection (1) may petition the court for an order of removal from the registry in accordance with Section 53-29-204, 53-29-205, or 53-29-206.

Enacted by Chapter 291, 2025 General Session

**53-29-204 Five-year petition for removal from registry -- Eligibility.**

(1) An offender who is required to register on the registry for a registrable offense described in Subsection (2) that is subject to a 10-year registration period, as described in Section 53-29-203, is eligible to petition the court under Section 53-29-207 for an order of removal from the registry after five years after the day on which the offender's sentence for the offense has been terminated if:

(a) the offense is the only offense for which the offender was required to register;

(b) the offender has not been convicted of another offense, excluding a traffic offense, after the day on which the offender was convicted of the offense for which the offender is required to register, as evidenced by a certificate of eligibility issued by the bureau;

(c) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and

(d) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense.

(2) The offenses that qualify for a five-year petition for an order of removal from the registry referenced in Subsection (1) are:

(a) a class A misdemeanor violation of enticing a minor under Section 76-5-417;

(b) kidnapping under Subsection 76-5-301(2)(c) or (d);

(c) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the offense, the offender is not more than 10 years older than the victim;
(d) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is not more than 10 years older than the victim;
(e) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if at the time of the offense, the offender is not more than 15 years older than the victim;
(f) a class A misdemeanor violation of:
(i) voyeurism under Section 76-12-306;
(ii) recorded or photographed voyeurism under Section 76-12-307; or
(iii) distribution of images obtained through voyeurism under Section 76-12-308;
(g) attempting, soliciting, or conspiring to commit an offense listed in Subsections (2)(a) through (f) if the attempt, solicitation, or conspiracy is a registrable offense; and
(h) an offense committed in an external jurisdiction that is not substantially equivalent to a registrable offense described in Subsection 53-29-202(1)(a).

Enacted by Chapter 291, 2025 General Session

**53-29-205 Ten-year petition for removal from registry -- Eligibility.**

(1) An offender who is required to register on the registry for a registrable offense described in Subsection (3) subject to a 10-year registration period as described in Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order of removal from the registry at a 10-year after entrance into the community period described in Subsection (2) if:
(a) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent 10-year period after the date described in Subsection (2), as evidenced by a certificate of eligibility issued by the bureau;
(b) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
(c) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense.
(2) An offender who qualifies under Subsection (1) may petition the court under Section 53-29-207 for an order of removal from the registry if 10 years have passed after the later of the following events in which the offender entered into the community:
(a) the day on which the offender was placed on probation;
(b) the day on which the offender was released from incarceration to parole;
(c) the day on which the offender's sentence was terminated without parole;
(d) the day on which the offender entered a community-based residential program; or
(e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.
(3) The offenses that qualify for a 10-year petition for an order of removal from the registry referenced in Subsection (1) are:
(a) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (3)(b) through (v);
(b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
(c) child torture under Section 76-5-109.4;
(d) human trafficking for labor under Section 76-5-308;
(e) human smuggling under Section 76-5-308.3;
(f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);

(g) aggravated human trafficking for labor under Section 76-5-310;
(h) aggravated human smuggling under Section 76-5-310.1;
(i) human trafficking of a vulnerable adult for labor under Section 76-5-311;
(j) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the offense, the offender is more than 10 years older than the victim;
(k) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is more than 10 years older than the victim;
(l) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the time of the offense, the offender is more than 15 years older than the victim;
(m) forcible sexual abuse under Section 76-5-404;
(n) custodial sexual relations under Section 76-5-412, if the victim in custody is younger than 18 years old and the offense is committed on or after May 10, 2011;
(o) sexual exploitation of a vulnerable adult under Section 76-5b-202;
(p) sexual extortion under Subsection 76-5b-204(2)(a);
(q) incest under Section 76-7-102;
(r) four or more convictions of lewdness under Section 76-5-419;
(s) four or more convictions of sexual battery under Section 76-5-418;
(t) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four or more convictions;
(u) lewdness involving a child under Section 76-5-420;
(v) a felony violation of:
(i) recorded or photographed voyeurism under Section 76-12-307; or
(ii) distribution of images obtained through voyeurism under Section 76-12-308;
(w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
(x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a) through (v) if the attempt, solicitation, or conspiracy is a registrable offense;
(y) attempting, soliciting, or conspiring to commit:
(i) human trafficking for sexual exploitation under Section 76-5-308.1;
(ii) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
(iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
(iv) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
(v) aggravated kidnapping under Section 76-5-302, except if the offender is a natural parent of the victim;
(vi) forcible sodomy under Section 76-5-403;
(vii) sexual abuse of a child under Section 76-5-404.1;
(viii) sexual exploitation of a minor under Section 76-5b-201;
(ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
(x) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
(xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
(z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject to a 20-year petition for removal as described in Section 53-29-206, if:
(i) the sentencing court determines that the offender was under 21 years old at the time the offense was committed; and
(ii) the offense did not involve force or coercion as described in Subsection 53-29-203(3).
(4) An individual who is as an offender under Section 53-29-202 based on a conviction in an external jurisdiction for a registrable offense, or a substantially equivalent offense, and is

required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, may petition for removal from the registry in accordance with the requirements of this section if the individual:

(a) does not have a lifetime registration requirement on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry;

(b) meets the requirements described in Subsections (1)(a) through (c);

(c) has resided in this state for at least 183 days in a year for two consecutive years;

(d) intends to primarily reside in this state; and

(e) has received an order from a court in the external jurisdiction where the offender was initially required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap, and Child Abuse Offender Registry.

Enacted by Chapter 291, 2025 General Session

**53-29-206 Twenty-year petition for removal from registry -- Eligibility.**

(1) An offender who is required to register on the registry for a registrable offense subject to a lifetime registration period described in Subsection 53-29-203(1)(b) is eligible to petition the court under Section 53-29-207 for an order of removal from the registry at a 20-year entrance into the community period described in Subsection (2) if:

(a) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent 20-year period after the date described in Subsection (2), as evidenced by a certificate of eligibility issued by the bureau;

(b) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense;

(c) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense; and

(d) the offender submits to an evidence-based risk assessment that:

(i) meets the standards for the current risk assessment, score, and risk level required by the Board of Pardons and Parole for parole termination requests;

(ii) is completed within the six months before the date on which the petition is filed; and

(iii) describes the evidence-based risk assessment of the current level of risk to the safety of the public posed by the offender.

(2) An offender who qualifies under Subsection (1) may petition the court under Section 53-29-207 for an order of removal from the registry if 20 years have passed after the later of the following events in which the offender has entered into the community:

(a) the day on which the offender was placed on probation;

(b) the day on which the offender was released from incarceration to parole;

(c) the day on which the offender's sentence was terminated without parole;

(d) the day on which the offender entered a community-based residential program; or

(e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.

(3) An individual who is an offender under Section 53-29-202 based on a conviction in an external jurisdiction for a registrable offense or a substantially equivalent offense, and is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, may petition for removal from the registry in accordance with the requirements of this section if the individual:

(a) is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, for the individual's lifetime;
(b) meets the requirements described in Subsections (1)(a) through (d);
(c) has resided in this state for at least 183 days in a year for two consecutive years;
(d) intends to primarily reside in this state; and
(e) the offender has received an order from a court in the external jurisdiction where the offender was initially required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap, and Child Abuse Offender Registry.

Enacted by Chapter 291, 2025 General Session

**53-29-207 Process to petition for removal from registry -- Offender, bureau, court, and prosecutor responsibilities.**

(1) Before an offender who is eligible to petition for an order of removal from the registry as described in Section 53-29-204, 53-29-205, or 53-29-206 may file a petition with the court for an order of removal from the registry, the offender shall apply to the bureau for a certificate of eligibility for removal from the registry that states that the offender has met certain qualifications for removal.
(2) After the bureau receives an offender's application for a certificate of eligibility for removal from the registry, the bureau shall:
(a) perform a check of records of governmental agencies, including national criminal databases, to determine whether an offender meets the requirements described in:
(i) Subsection 53-29-204(1), if the offender is seeking a five-year petition for removal;
(ii) Subsections 53-29-205(1) and (2), if the offender is seeking a 10-year petition for removal; or
(iii) Subsections 53-29-206(1) and (2), if the offender is seeking a 20-year petition for removal; and
(b) if the bureau determines that the offender meets the requirements described in Subsection (2)(a), issue a certificate of eligibility for removal from the registry to the offender, which is valid for 90 days after the day on which the bureau issues the certificate.
(3)
(a) After an offender has received the certificate of eligibility for removal from the registry described in Subsection (2), the offender may petition the court for an order of removal from the registry, and shall include in the petition:
(i) the original information or indictment regarding the registrable offense that the offender committed;
(ii) the court docket; and
(iii) the certificate of eligibility for removal from the registry.
(b) An offender who files a petition with the court as described in Subsection (3)(a) shall provide a copy of the petition to:
(i) if the offender is required to register on the Sex, Kidnap, and Child Abuse Offender Registry for a conviction of an offense committed in this state, the office of the prosecutor that prosecuted the offender for the offense; or
(ii) if the offender is required to register on the Sex, Kidnap, and Child Abuse Offender Registry for a conviction of an offense committed in another jurisdiction, the attorney general's office.
(4)

(a) Subject to Subsections (4)(c) and (d), a prosecutor, upon receipt of a petition described in Subsection (3)(b)(i), shall provide notice of the petition by first-class mail to the victim at the most recent address of record on file or, if the victim is still a minor under 18 years old, to the most recent address of record on file for the victim's parent or guardian.

(b) Subject to Subsections (4)(c) and (d), the attorney general, upon receipt of a petition described in Subsection (3)(b)(ii), shall, if reasonably practicable, provide notice of the petition by first-class mail to the most recent address of record for the victim or, if the victim is still a minor under 18 years old, to the most recent address of record for the victim's parent or guardian.

(c) The notice described in Subsection (4)(a) or (b) shall include:

(i) a copy of the petition;

(ii) an explanation that the victim has a right to object to the removal of the offender from the registry or make other recommendations to the court; and

(iii) instructions for how the victim can file an objection or recommendation with the court.

(d) A prosecutor or the attorney general shall provide the following, if available, to the court within 30 days after the day on which the prosecutor or attorney general receives the petition:

(i) the presentencing report created for the offender based on the registrable offense committed by the offender;

(ii) any evaluation done as part of sentencing for the registrable offense; and

(iii) other information the prosecutor determines the court should consider.

(5) A victim, or the victim's parent or guardian if the victim is a minor under 18 years old, may respond to a petition described in Subsection (3) by filing a recommendation or objection with the court within 45 days after the day on which the petition is mailed to the victim.

(6)

(a) A court receiving a petition under this section shall:

(i) review the petition and all documents submitted with the petition; and

(ii) hold a hearing if requested by the prosecutor or the victim.

(b)

(i) Except as provided in Subsection (6)(b)(ii) or (iii), the court may grant the petition for removal and order the removal of the offender from the registry if the court determines that the offender has met the requirements for issuance of a certificate of eligibility for removal issued under Subsection (2) and removal is not contrary to the interests of the public.

(ii) When considering a petition filed by an offender subject to a lifetime registration requirement and eligible for a 20-year petition for removal from the registry as described in Section 53-29-206, the court shall determine whether the offender has demonstrated, by clear and convincing evidence, that the offender is rehabilitated and does not pose a threat to the safety of the public.

(iii) In making the determination described in Subsection (6)(b)(ii), the court may consider:

(A) the nature and degree of violence involved in the registrable offense;

(B) the age and number of victims of the registrable offense;

(C) the age of the offender at the time the registrable offense was committed;

(D) the offender's performance while on supervision for the registrable offense;

(E) the offender's stability in employment and housing;

(F) the offender's community and personal support system;

(G) other criminal and relevant noncriminal behavior of the offender both before and after the offender committed the registrable offense;

(H) if applicable, the level of risk posed by the offender as evidenced by the evidence-based risk assessment described in Subsection 53-29-206(1)(d); and

(I) any other relevant factors.

(c) In determining whether removal from the registry is contrary to the interests of the public, the court may not consider removal unless the offender has substantially complied with all registration requirements under this chapter at all times.

(d) If the court grants the petition, the court shall forward a copy of the order directing removal of the offender from the registry to the department and the office of the prosecutor.

(e)

(i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the offender may not submit another petition for three years after the day on which the court denied the petition.

(ii) If the offender is an offender subject to a lifetime registration requirement and eligible for a 20-year petition for removal from the registry as described in Section 53-29-206 and files a petition for removal that is denied by the court, the offender may not submit another petition for eight years after the day on which the court denied the petition.

(f) The court shall notify the victim and the registry office of the court's decision under this Subsection (6) within three days after the day on which the court issues the court's decision.

(7)

(a) An offender who intentionally or knowingly provides false or misleading information to the bureau when applying for a certificate of eligibility under this section is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.

(b) The bureau may, even if the offender is not prosecuted for providing the false or misleading information, deny a certificate of eligibility to an offender who provides false or misleading information on an application.

(8)

(a)

(i) The bureau shall charge application and issuance fees for a certificate of eligibility for removal from the registry under this section in accordance with the process in Section 63J-1-504.

(ii) The application fee shall be paid at the time the offender submits an application to the bureau for a certificate of eligibility for removal from the registry.

(iii) If the bureau determines that the issuance of a certificate of eligibility for removal from the registry is appropriate, the offender will be charged an additional fee for the issuance of the certificate.

(b) Funds generated under this Subsection (8) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility.

Enacted by Chapter 291, 2025 General Session

## Part 3
## Offender, Court, and Law Enforcement Responsibilities

**53-29-301 Definitions.**

As used in this part:

(1) "Business day" means a day on which state offices are open for regular business.

(2) "Correctional facility" means:

(a) a county jail;

(b) a secure correctional facility as defined by Section 64-13-1; or
(c) a secure care facility as defined in Section 80-1-102.
(3) "Secondary residence" means real property that an offender owns or has a financial interest in, or a location where the offender stays overnight a total of 10 or more nights in a 12-month period when not staying at the offender's primary residence.

Enacted by Chapter 291, 2025 General Session

**53-29-302 Law enforcement and agency responsibilities related to the registry.**
(1) As used in this section:
(a) "Dynamic factors" means an individual's individual characteristics, issues, resources,or circumstances that:
(i) can change or be influenced; and
(ii) affect the risk of:
(A) recidivism; or
(B) violating conditions of probation or parole.
(b) "Multi-domain assessment" means an evaluation process or tool that reports in quantitative and qualitative terms an offender's condition, stability, needs, resources, dynamic factors, and static factors that affect the offender's transition into the community and compliance with conditions of probation or parole.
(c) "Static factors" means an individual's individual characteristics, issues, resources, or circumstances that:
(i) are unlikely to be changeable or influenced; and
(ii) affect the risk of:
(A) recidivism; or
(B) violating conditions of probation or parole.
(2) A law enforcement agency shall, in the manner prescribed by the department, inform the department of:
(a) the receipt of a report or complaint of a registrable offense, within three business days after the day on which the law enforcement agency received the report or complaint; and
(b) the arrest of an individual suspected of a registrable offense, within five business days after the day on which the law enforcement agency arrested the individual.
(3) The Department of Corrections shall:
(a) register an offender in the custody of the Department of Corrections with the department upon:
(i) placement on probation;
(ii) commitment to a secure correctional facility operated by or under contract with the Department of Corrections;
(iii) release from confinement to parole status, termination or expiration of sentence, or escape;
(iv) entrance to and release from any community-based residential program operated by or under contract with the Department of Corrections; or
(v) termination of probation or parole; and
(b)
(i) for an offender convicted after May 7, 2025, of an offense committed in this state that requires the individual to register as a sex offender, conduct, if available, multi-domain assessments that are validated for the population and offense type of the offender to inform the treatment and supervision needs of the offender; and

(ii) 30 days after the day on which a calendar quarterly period ends, submit the results of any risk assessments completed under Subsection (3)(b)(i) during the preceding quarter to the State Commission on Criminal and Juvenile Justice.

(4) The sheriff of the county in which an offender is confined shall register an offender with the department, as required under this chapter, if the offender is not in the custody of the Department of Corrections and is confined in a correctional facility not operated by or under contract with the Department of Corrections upon:

(a) commitment to the correctional facility; and

(b) release from confinement.

(5)

(a) Except as provided in Subsection (4)(b), if an offender is sent on an assignment outside a secure facility, including being assigned for firefighting or disaster control, the official who has physical custody of the offender shall, within a reasonable time after the day of the offender's removal from the secure facility, notify the local law enforcement agencies where the offender is assigned.

(b) Subsection (4)(a) does not apply to an offender temporarily released from a secure facility setting who is under the supervision of a correctional facility official.

(6) The division shall register an offender in the custody of the division with the department, as required under this chapter, before the offender's release from custody of the division.

(7) A state mental hospital shall register an offender committed to the state mental hospital with the department, as required under this chapter, upon the offender's admission and upon the offender's discharge.

(8)

(a) A municipal or county law enforcement agency shall register an offender who resides within the agency's jurisdiction and is not under the supervision of the Division of Adult Probation and Parole within the Department of Corrections.

(b) A municipal or county law enforcement agency may conduct offender registration under this chapter, if the agency ensures that the agency's staff responsible for registration:

(i) have received initial training by the department and have been certified by the department as qualified and authorized to conduct registrations and enter offender registration information into the registry database; and

(ii) annually certifies with the department.

(9) An agency in the state that registers with the department an offender on probation, an offender who has been released from confinement to parole status or termination, or an offender whose sentence has expired, shall inform the offender of the duty to comply with the continuing registration requirements of this chapter during the period of registration required in Section 53-29-203, including:

(a) notification to the state agencies in the states where the registrant presently resides and plans to reside when moving across state lines;

(b) verification of address at least every 60 days pursuant to a parole agreement for lifetime parolees; and

(c) notification to the out-of-state agency where the offender is living, regardless of whether the offender is a resident of that state.

Enacted by Chapter 291, 2025 General Session

**53-29-303 Court responsibilities related to the registry.**

(1) The court shall, after an offender is convicted of a registrable offense, within three business days after the day on which the conviction is entered, forward a signed copy of the judgment and sentence to the registry office.
(2) Upon modifying, withdrawing, setting aside, vacating, or otherwise altering a conviction for a registrable offense, the court shall, within three business days, forward a signed copy of the order to the registry office.
(3)
  (a) An offender may change the offender's name in accordance with Title 42, Chapter 1, Change of Name, if the name change is not contrary to the interests of the public.
  (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department at least 30 days before the day on which the hearing for the name change is held.
  (c) The court shall provide a copy of the order granting the offender's name change to the department within 10 days after the day on which the court issues the order.
  (d) If the court orders an offender's name to be changed, the department shall publish on the registration website the offender's former name and the offender's changed name as an alias.
(4) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, information under Subsection (2) that is collected and released under Subsection 53-29-404(3)(a) is public information, unless otherwise restricted under this chapter.
(5) The department shall redact information regarding the identity or location of a victim from information provided under Subsection (2).

Enacted by Chapter 291, 2025 General Session

**53-29-304 Offender responsibilities related to the registry.**

(1) An offender shall:
  (a) if the offender is on probation or parole under the supervision of the Department of Corrections, register in person with the Division of Adult Probation and Parole; or
  (b) if the offender is not on probation or parole under the supervision of the Department of Corrections, register in person with the police department or sheriff's office that has jurisdiction over the area where the offender resides.
(2) An offender registering under Subsection (1) shall register for the duration of the offender's applicable registration period described in Section 53-29-203:
  (a) each year during the month of the offender's date of birth;
  (b) during the month that is the sixth month after the offender's birth month; and
  (c) within three business days after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information described in Subsection (4).
(3) An offender who enters this state from another jurisdiction is required to register with the department within 10 days after the day on which the offender enters the state, regardless of the offender's length of stay.
(4)
  (a) When registering under Subsection (1), an offender shall provide the following information:
    (i) all names and aliases by which the offender is or has been known;
    (ii) the addresses of the offender's primary and secondary residences;
    (iii) a physical description, including the offender's date of birth, height, weight, eye color, and hair color;
    (iv) the make, model, color, year, plate number, and vehicle identification number of a vehicle or vehicles the offender owns or drives more than 12 times per year;

(v) a current photograph of the offender;
(vi) a set of fingerprints, if a set has not already been provided;
(vii) a DNA specimen, taken in accordance with Section 53-10-404, if a set has not already been provided;
(viii) telephone numbers and any other designations used by the offender for routing or self-identification in telephonic communications from fixed locations or cellular telephones;
(ix) online identifiers and the addresses the offender uses for routing or self-identification in Internet communications or postings;
(x) the name and Internet address of all websites on which the offender is registered using an online identifier, including all online identifiers used to access those websites;
(xi) a copy of the offender's passport, if a passport has been issued to the offender;
(xii) if the offender is an alien, all documents establishing the offender's immigration status;
(xiii) all professional licenses that authorize the offender to engage in an occupation or carry out a trade or business, including any identifiers, such as numbers;
(xiv) each educational institution in Utah at which the offender is employed or is a student, and a change of enrollment or employment status of the offender at an educational institution;
(xv) the name, the telephone number, and the address of a place where the offender is employed or will be employed;
(xvi) the name, the telephone number, and the address of a place where the offender works as a volunteer or will work as a volunteer; and
(xvii) the offender's social security number.

(b) The department shall redact information regarding the identity or location of a victim from information provided under Subsection (4)(a).

(5) Notwithstanding Subsections (4)(a)(ix) and (x) and 53-29-404(7), an offender is not required to provide the department with:

(a) the offender's online identifier and password used exclusively for the offender's employment on equipment provided by an employer and used to access the employer's private network; or

(b) online identifiers for the offender's financial accounts, including a bank, retirement, or investment account.

(6) Notwithstanding Title 77, Chapter 40a, Expungement of Criminal Records, an offender convicted of a registrable offense is required to register in accordance with this section unless the offender is removed from the registry under Section 53-29-207.

(7) Except as provided in Subsection 53-29-404(7), in the case of an offender adjudicated in another jurisdiction as a juvenile and required to register under this chapter, the offender shall register in the time period and in the frequency consistent with the requirements of Subsection (3).

(8)

(a) An offender required to register on the registry shall, in the month of the offender's birth:
(i) pay to the department each year the offender is subject to the registration requirements of this chapter:
(A) before July 1, 2026, an annual fee of $125; and
(B) on or after July 1, 2026, an annual fee determined by the department in accordance with the process in Section 63J-1-504; and
(ii) pay to the registering agency, if the registering agency is an agency other than the department, an annual fee of not more than $25, which may be assessed by that agency for providing registration.

(b) Notwithstanding Subsection (8)(a), an offender who is confined in a secure facility or in a state mental hospital is not required to pay the annual fee.

(c) The department shall deposit fees collected in accordance with this chapter into the General Fund as a dedicated credit, to be used by the department for maintaining the offender registry under this chapter and monitoring offender registration compliance, including the costs of:
(i) data entry;
(ii) processing registration packets;
(iii) updating registry information; and
(iv) reporting an offender not in compliance with registration requirements to a law enforcement agency.

Enacted by Chapter 291, 2025 General Session

**53-29-305 Failing to register or providing false or incomplete information -- Penalties.**

(1) An offender who knowingly fails to register under this chapter or provides false or incomplete information is guilty of:
(a) a third degree felony and shall be sentenced to serve a term of incarceration of not less than 30 days and also at least one year of probation if:
(i) the offender is required to register for a registrable offense that is a felony or adjudicated delinquent for a registrable offense committed before May 3, 2023, that would be a felony if the juvenile were an adult; or
(ii) the offender is required to register for the offender's lifetime as described in Subsection 53-29-203(1)(b); or
(b) a class A misdemeanor and shall be sentenced to serve a term of incarceration of not less than 30 days and also at least one year of probation if the offender is required to register for a misdemeanor conviction that is a registrable offense or is adjudicated delinquent for a registrable offense committed before May 3, 2023, that would be a misdemeanor if the juvenile were an adult.

(2)
(a) The court or Board of Pardons and Parole may not release an individual who violates this chapter from serving the term required under Subsection (1).
(b) This Subsection (2) supersedes any other provision of the law contrary to this chapter.

(3) The offender shall register for an additional year for every year in which the offender does not comply with the registration requirements of this chapter.

Enacted by Chapter 291, 2025 General Session

**53-29-306 Sex offender restrictions.**

(1) As used in this section:
(a) "Condominium project" means the same as that term is defined in Section 57-8-3.
(b) "Minor" means an individual who is younger than 18 years old.
(c)
(i) "Protected area" means the premises occupied by:
(A) a licensed day care or preschool facility;
(B) a public swimming pool or a swimming pool maintained, operated, or owned by a homeowners' association, condominium project, or apartment complex;
(C) a public or private primary or secondary school that is not on the grounds of a correctional facility;
(D) a community park that is open to the public or a park maintained, operated, or owned by a homeowners' association, condominium project, or apartment complex;

(E) a public playground or a playground maintained, operated, or owned by a homeowners' association, condominium project, or apartment complex, including those areas designed to provide minors with space, recreational equipment, or other amenities intended to allow minors to engage in physical activity; and

(F) except as provided in Subsection (1)(c)(ii), an area that is 1,000 feet or less from the residence of a victim of the sex offender if the sex offender is subject to a victim requested restriction.

(ii) "Protected area" does not include:

(A) the area described in Subsection (1)(c)(i)(F) if the victim is a member of the immediate family of the sex offender and the terms of the sex offender's agreement of probation or parole allow the sex offender to reside in the same residence as the victim;

(B) a park, playground, or swimming pool located on the property of a residential home;

(C) a park or swimming pool that prohibits minors at all times from using the park or swimming pool; or

(D) a park or swimming pool maintained, operated, or owned by a homeowners' association, condominium project, or apartment complex established for residents 55 years old or older if no minors are present at the park or swimming pool at the time the sex offender is present at the park or swimming pool.

(2) For purposes of Subsection (1)(c)(i)(F), a sex offender who has committed a registrable offense against an individual younger than 18 years old is subject to a victim requested restriction if:

(a) the sex offender is on probation or parole for an offense that requires the offender to register in accordance with this chapter;

(b) the victim or the victim's parent or guardian advises the department that the victim elects to restrict the sex offender from the area and authorizes the department to advise the sex offender of the area where the victim resides; and

(c) the department notifies the sex offender in writing that the sex offender is prohibited from being in the area described in Subsection (1)(c)(i)(F) and provides a description of the location of the protected area to the sex offender.

(3) A sex offender who has committed a registrable offense against an individual younger than 18 years old may not:

(a) be in a protected area except:

(i) when the sex offender must be in a protected area to perform the sex offender's parental responsibilities;

(ii)

(A) when the protected area is a public or private primary or secondary school; and

(B) the school is open and being used for a public activity other than a school-related function that involves a minor; or

(iii)

(A) if the protected area is a licensed day care or preschool facility located within a building that is open to the public for purposes other than the operation of the day care or preschool facility; and

(B) the sex offender does not enter a part of the building that is occupied by the day care or preschool facility; or

(b) serve as an athletic coach, manager, or trainer for a sports team of which a minor who is younger than 18 years old is a member.

(4) A sex offender who violates this section is guilty of:

(a) a class A misdemeanor; or

(b) if previously convicted of violating this section within the last ten years, a third degree felony.

Renumbered and Amended by Chapter 291, 2025 General Session

**53-29-307 Sex offender in presence of a child -- Definitions -- Penalties.**

(1) As used in this section:

(a) "Accompany" means:

(i) to be in the presence of an individual; and

(ii) to move or travel with that individual from one location to another, whether outdoors, indoors, or in or on any type of vehicle.

(b) "Child" means an individual younger than 14 years old.

(2) A sex offender subject to registration in accordance with this chapter, for a registrable offense committed or attempted to be committed against a child younger than 14 years old is guilty of a class A misdemeanor if the sex offender requests, invites, or solicits a child to accompany the sex offender, under circumstances that do not constitute an attempt to violate Section 76-5-301.1, child kidnapping, unless:

(a)

(i) the sex offender, prior to accompanying the child:

(A) verbally advises the child's parent or legal guardian that the sex offender is on the state sex offender registry and is required by state law to obtain written permission in order for the sex offender to accompany the child; and

(B) requests that the child's parent or legal guardian provide written authorization for the sex offender to accompany the child, including the specific dates and locations;

(ii) the child's parent or legal guardian has provided to the sex offender written authorization, including the specific dates and locations, for the sex offender to accompany the child; and

(iii) the sex offender has possession of the written authorization and is accompanying the child only at the dates and locations specified in the authorization;

(b) the child's parent or guardian has verbally authorized the sex offender to accompany the child either in the child's residence or on property appurtenant to the child's residence, but in no other locations; or

(c) the child is the natural child of the sex offender, and the offender is not prohibited by any court order, or probation or parole provision, from contact with the child.

(3)

(a) A sex offender convicted of a violation of Subsection (2) is subject to registration in accordance with this chapter, for an additional five years subsequent to the required registration described in Section 53-29-203.

(b) The period of additional registration imposed under Subsection (3)(a) is also in addition to any period of registration imposed under Subsection 53-29-305(3) for failure to comply with registration requirements.

(4) It is not a defense to a prosecution under this section that the defendant mistakenly believed the individual to be 14 years old or older at the time of the offense or was unaware of the individual's true age.

(5) This section does not apply if a sex offender is acting to rescue a child who is in an emergency and life-threatening situation.

Renumbered and Amended by Chapter 291, 2025 General Session

## Part 4
## Department Functions Related to the Registry

**53-29-401 Definitions.**

Reserved.

Enacted by Chapter 291, 2025 General Session

**53-29-402 Department responsibilities related to the registry.**

(1) The department shall:
  (a) maintain the registration website;
  (b) ensure that the registration information collected regarding an offender's enrollment or employment at an educational institution is:
    (i)
      (A) promptly made available to any law enforcement agency that has jurisdiction where the institution is located if the educational institution is an institution of higher education; or
      (B) promptly made available to the district superintendent of the school district where the offender is employed if the educational institution is an institution of primary education; and
    (ii) entered into the appropriate state records or data system; and
  (c) make available to an offender the name of the local law enforcement agency or state agency that the offender should contact to register, the location for registering, and the requirements of registration.

(2)
  (a) When the department receives offender registration information regarding a change of an offender's primary residence, the department shall, within five days after the day on which the department receives the information, electronically notify the law enforcement agencies that have jurisdiction over the area where:
    (i) the residence that the offender is leaving is located; and
    (ii) the residence to which the offender is moving is located.
  (b) The department shall provide notification under Subsection (2)(a) if the offender's change of address is:
    (i) between law enforcement agency jurisdictions; or
    (ii) within one law enforcement agency jurisdiction.

(3) The department may make administrative rules necessary to implement this chapter, including:
  (a) the method for dissemination of the information; and
  (b) instructions to the public regarding the use of the information.

Enacted by Chapter 291, 2025 General Session

**53-29-403 Intervention in legal action by the department.**

(1) Subject to Subsection (2), the department may intervene in any matter, including a criminal action, where the matter purports to affect an individual's registration requirements under this chapter.

(2) The department may only file a motion to intervene under Subsection (1) within 60 days after the day on which:

(a) the sentencing court enters a judgment or sentence against an individual for a registrable offense, if the details of the written plea agreement, judgment, or sentence indicate that the individual's registration requirements under this chapter could be affected; or
(b) a court modifies, withdraws, sets aside, vacates, or otherwise alters an individual's conviction for a registrable offense, affecting the individual's registration requirement under this chapter if the written plea agreement, judgment, or sentence entered at the time the individual was sentenced did not indicate that the individual's registration requirement could be affected.

Enacted by Chapter 291, 2025 General Session

**53-29-404 Sex, Kidnap, and Child Abuse Offender Notification and Registration website.**

(1) The department shall maintain a Sex, Kidnap, and Child Abuse Offender Notification and Registration website on the Internet available to the public.
(2) The registration website shall be indexed by both the surname of the offender and by postal codes.
(3)
(a) Except as provided in Subsection (3)(b), the registration website shall include the following information:
(i) all names and aliases by which the offender is or has been known, but not including any online identifiers;
(ii) the addresses of the offender's primary, secondary, and temporary residences;
(iii) a physical description, including the offender's date of birth, height, weight, eye color, and hair color;
(iv) the make, model, color, year, and plate number of any vehicle or vehicles the offender owns or regularly drives;
(v) a current photograph of the offender;
(vi) a list of all professional licenses that authorize the offender to engage in an occupation or carry out a trade or business;
(vii) each educational institution in Utah at which the offender is employed or is a student;
(viii) a list of places where the offender works as a volunteer;
(ix) any registrable offenses for which the offender has been convicted or adjudicated; and
(x) other relevant identifying information of the offender as determined by the department.
(b) The department shall redact any information the department receives under Subsection (3)(a) that, if disclosed, could reasonably identify a victim.
(4)
(a) The department shall enable the public to search the registration website to determine if the following search criteria are linked to an offender:
(i) telephone numbers or other designations for an offender provided under Subsection 53-29-304(4)(a)(vii);
(ii) online identifiers or other addresses for an offender provided under Subsection 53-29-304(4)(a)(ix); and
(iii) names and Internet addresses of websites on which an offender is registered using an online identifier, including the online identifier used to access the website.
(b) The department shall ensure that a search performed using the criteria in Subsection (4)(a):
(i) provides the individual requesting the search with only information regarding whether the criteria are linked to an offender; and
(ii) does not return the name or any other identifying information about an offender.
(c) The department is not required to:

(i) report the results of the search under Subsection (4)(a) to a law enforcement agency; or
(ii) based on the results of a search under Subsection (4)(a), open an investigation.

(5)
(a) Subject to Subsection (5)(b), the department shall place a disclaimer on the registration website informing the public that:
(i) the information contained on the site is obtained from offenders and the department does not guarantee the information's accuracy or completeness;
(ii) members of the public are not allowed to use the information to harass or threaten an offender or a member of an offender's family; and
(iii) harassment, stalking, or threats against an offender or an offender's family are prohibited and may violate Utah criminal laws.
(b) Before a user may access the registry website, the department shall require the user to indicate that the user has read the disclaimer, understands the disclaimer, and agrees to comply with the disclaimer's terms.

(6)
(a) If an offender was under 18 years old at the time of committing a registrable offense described in Subsection 53-29-202(1)(a), (c), or (f), and as a result is required to register on the registry, the department shall maintain, but not publish, the offender's information on the registration website.
(b)
(i) If, based on the information provided to the department by the sentencing court, prosecuting entity, offender, or offender's counsel, the department cannot determine whether the offender is eligible for an exemption to publication on the registration website as described in Subsection (6)(a), the department shall continue to publish the offender's information on the registration website.
(ii) Information may be provided to the department at any time in order to clarify the offender's age at the time the offender committed the registrable offense.
(iii) This section does not prohibit the department from seeking or receiving information from individuals or entities other than those identified in Subsection (6)(b)(i).
(c) This Subsection (6):
(i) applies to an offender with a registration requirement on or after May 3, 2023, regardless of when the offender was first required to register; and
(ii) does not apply to an offender who is required to register for the offender's lifetime due to the offender being convicted of two or more registrable offenses or being convicted of one registrable offense and, at the time of the conviction for the registrable offense, being previously required to register as an offender for an offense committed as a juvenile as described in Subsection 53-29-203(1)(b).

(7) In the case of an offender adjudicated in an external jurisdiction as a juvenile and required to register under this chapter the department shall maintain, but not publish, the offender's information on the registration website if the external jurisdiction where the juvenile offender was adjudicated does not publish the juvenile offender's information on a public website.

(8) Any information in the department's possession not listed in Subsection (3)(a) that is not available to the public shall be shared:
(a) for a purpose under this chapter; or
(b) in accordance with Section 63G-2-206.

Enacted by Chapter 291, 2025 General Session

**53-29-405 Removal for offenses or convictions for which registration is no longer required.**

(1) The department shall automatically remove an individual who is currently on the registry if:
  (a) the only offense or offenses for which the individual is on the registry are listed in Subsection (2); or
  (b) the department receives a formal notification or order from the court or the Board of Pardons and Parole that the conviction for the registrable offense for which the individual is on the registry has been reversed, vacated, or pardoned.

(2) The offenses described in Subsection (1)(a) are:
  (a) a class B or class C misdemeanor for enticing a minor under Section 76-5-417;
  (b) kidnapping under Subsection 76-5-301(2)(a) or (b);
  (c) child kidnapping under Section 76-5-301.1, if the offender was the natural parent of the child victim;
  (d) unlawful detention under Section 76-5-304;
  (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or
  (f) sodomy, but not forcible sodomy, under Section 76-5-403.

(3) The department shall notify an individual who has been removed from the registry in accordance with Subsection (1) and inform the individual in the notice that the individual is no longer required to register as an offender.

(4) An individual who is currently on the registry may submit a request to the department to be removed from the registry if the individual believes that the individual qualifies for removal under Subsection (1).

(5) The department, upon receipt of a request for removal from the registry in accordance with this section, shall:
  (a) check the registry for the individual's current status;
  (b) determine whether the individual qualifies for removal based upon this section; and
  (c) notify the individual in writing of the department's determination and whether the individual:
    (i) qualifies for removal from the registry; or
    (ii) does not qualify for removal.

(6) If the department determines that the individual qualifies for removal from the registry, the department shall remove the offender from the registry.

(7)
  (a) If the department determines that the individual does not qualify for removal from the registry, the department shall provide an explanation in writing for the department's determination.
  (b) The department's determination under Subsection (7)(a) is final and not subject to administrative review.

(8) The department or an employee of the department is not civilly liable for a determination made in good faith in accordance with this section.

(9)
  (a) The department shall provide a response to a request for removal within 30 days after the day on which the department receives the request.
  (b) If the response under Subsection (9)(a) cannot be provided within 30 days after the day on which the department receives the request, the department shall notify the individual that the response may be delayed up to 30 additional days.

Enacted by Chapter 291, 2025 General Session

# Chapter 30
# Security Improvements Act

## Part 1
## General Provisions

**53-30-101 Definitions.**

As used in this chapter:

(1) "Applicant" means an individual who submits an application for certification.

(2) "Application for certification" means an application described in Subsection 53-29-201(1).

(3) "Certifying officer" means the commissioner or an individual the commissioner designates to certify an application for certification.

(4) "Credible threat" means a threat to cause death or serious bodily injury that a state or federal law enforcement agency has confirmed to be authentic.

(5) "Easement holder" means the same as that term is defined in Section 57-13c-101.

(6) "Improvement" means the same as that term is defined in Section 78B-2-225.

(7) "Land use authority" means:

(a) with respect to protected property located within a municipality, the same as that term is defined in Section 10-9a-103; or

(b) with respect to protected property located within an unincorporated area of a county, the same as that term is defined in Section 17-27a-103.

(8) "Protected person" means an individual who:

(a) within the four years preceding the day on which the individual submits an application for certification:

(i) received a credible threat; or

(ii) was physically harmed; and

(b) is at risk of serious bodily injury or death caused by:

(i) the individual who made the credible threat described in Subsection (8)(a)(i) or caused the physical harm described in Subsection (8)(a)(ii); or

(ii) an individual affiliated with the individual who made the credible threat described in Subsection (8)(a)(i) or caused the physical harm described in Subsection (8)(a)(ii).

(9) "Protected property" means real property that is owned or occupied by a protected person.

(10) "Protection certificate" means a written determination described in Subsection 53-29-201(4).

(11)

(a) "Security improvement" means an improvement that:

(i) is intended to provide protection for a protected person, or a protected person's immediate family member living at the same residence as the protected person, from the risk of death or serious bodily injury caused by an individual who made a credible threat or caused physical harm to the protected person;

(ii) is constructed within the boundaries of protected property; and

(iii) does not interfere with another property owner's property right.

(b) "Security improvement" includes an improvement described in Subsection (11)(a) that provides safe egress from, or safety within, the protected property, including an underground improvement or an improvement that runs below an easement if the improvement does not damage or interfere with the purpose or use of the easement.

Enacted by Chapter 364, 2025 General Session

## Part 2
## Certification

### 53-30-201 Certification process.

(1)
(a) In accordance with the provisions of this section, an individual may submit an application to a certifying officer for a written determination that each improvement the applicant identifies in the application is a security improvement.
(b) An applicant shall include in an application for certification:
(i) the applicant's name; and
(ii) evidence supporting the applicant's assertion that the applicant is a protected person and that each proposed improvement is a security improvement, including:
(A) a legal description of the real property that the applicant asserts is protected property;
(B) building plans for each proposed security improvement;
(C) if the applicant intends to construct the proposed security improvement beneath an easement, evidence that the applicant provided written notice of the security improvement to each easement holder; and
(D) any other information the department requires.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
(a) establishing:
(i) a process for receiving and evaluating applications for certification; and
(ii) the required contents of an application for certification; and
(b) requiring that a certifying officer consult confidentially with a municipal or county building official regarding potential mitigation of any material adverse effects a proposed security improvement would cause if the proposed security improvement would be visible to an individual standing within 500 feet of the protected property.

(3) Within 45 days after the day on which a certifying officer receives an application for certification, the certifying officer shall approve or deny the application for certification.

(4) If the certifying officer approves the application for certification, the certifying officer shall:
(a) provide the applicant with a protection certificate that identifies the protected person, the protected property, and each security improvement; and
(b) within 30 days after the day on which the certifying officer approves the application for certification, notify the applicable police chief or sheriff of the threat made against the protected person.

Enacted by Chapter 364, 2025 General Session

## Part 3
## Security Improvements

### 53-30-301 Improvements -- Legal remedies.

(1) No later than two years after the day on which a certifying officer issues a protection certificate, the protected person may submit to the applicable land use authority a copy of the protection certificate, together with a building permit application, for the construction of one or more security improvements identified in the protection certificate.

(2)

(a) Upon receipt of a building permit application for the construction of a security improvement, the land use authority shall:

(i) review the building permit application for the sole purpose of determining compliance with Title 15A, State Construction and Fire Codes Act; and

(ii) issue a building permit authorizing the construction if the application complies with Title 15A, State Construction and Fire Codes Act.

(b) If a building permit application for the construction of a security improvement complies with Title 15A, State Construction and Fire Codes Act, the land use authority shall authorize construction.

(3) A security improvement is not subject to county or municipal land use regulations, except for regulations regarding the exterior of a building that are imposed under Subsection 53-29-201(2)(b).

(4)

(a) If a municipality or county unlawfully conditions, delays, or denies a building permit for a security improvement, the protected person may challenge the municipality's or county's action in court.

(b) In an action under this Subsection (4), the court shall allow a party to file documents under seal to preserve the confidentiality of the security improvement.

(c) A building permit application for the construction of a security improvement is not subject to Section 10-6-160 or 17-36-55.

Enacted by Chapter 364, 2025 General Session

## Chapter 31
## Department Interaction With Local Law Enforcement

### 53-31-101 Definitions.

As used in this chapter, "county of the first class" means a county that is classified by population as a county of the first class under Section 17-50-501.

Enacted by Chapter 273, 2025 General Session

### 53-31-102 Public safety interagency agreement.

(1) Subject to Subsection (2), by July 1, 2025, the law enforcement agency of a city that is the seat of government for a county of the first class shall enter into a public safety interagency agreement with the department that addresses how the law enforcement agency and the department can improve public safety within the jurisdiction of the law enforcement agency.

(2) The interagency agreement described in Subsection (1) shall include:

(a) at a minimum, terms that require the law enforcement agency to reimburse the department for the department's expenses if the department deploys department resources to effectuate the interagency agreement;
(b) if the agreement requires joint operations to be conducted between the department and the law enforcement agency, the roles and responsibilities of the department and the law enforcement agency in any joint operations;
(c) the parameters on any data shared under the agreement to assist in effectuating the agreement;
(d) measures to ensure accountability and communication between the department and the law enforcement agency; and
(e) accountability metrics to determine if public safety within the jurisdiction of the law enforcement agency has improved.

(3) By November 1 of each year, a law enforcement agency that has entered into an agreement under Subsection (1), shall make a presentation to the Law Enforcement and Criminal Justice Interim Committee regarding:
(a) the terms of the interagency agreement;
(b) if available, any information regarding the implementation and operation of the interagency agreement; and
(c) whether the law enforcement agency has successfully improved public safety within the jurisdiction of the law enforcement agency.

Enacted by Chapter 273, 2025 General Session