

Superseded 5/10/2016

53B-8-107 Military member surviving dependents -- Tuition waiver.

- (1) As used in this section, "qualifying deceased military member" means a person:
 - (a) who:
 - (i) is killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or
 - (ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and
 - (b) who:
 - (i) is a member of the armed forces of the United States and a Utah resident;
 - (ii) is a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or
 - (iii) is a member of the Utah National Guard on or after September 11, 2001.
- (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition waiver.
- (3) A state institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:
 - (a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;
 - (b) except as provided in Subsection (4), the dependent is a resident student as determined under Section 53B-8-102;
 - (c) the dependent may not have already completed a course of studies leading to an undergraduate degree;
 - (d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and
 - (e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by a state institution of higher education.
- (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section 53B-8-102.
- (5) The tuition waiver in this section is applicable for undergraduate study only.
- (6) The Department of Veterans' and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver in accordance with this section.
- (7) The waiver in this section does not apply to fees, books, or housing expenses.
- (8) The State Board of Regents may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.