

**RIGHT TO DISPLAY FLAG AT PERSONAL  
RESIDENCE**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carl W. Duckworth**

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**LONG TITLE**

**General Description:**

This bill modifies the Real Estate code to provide certain residents with the right to display the United States or Utah flag.

**Highlighted Provisions:**

This bill:

- ▶ provides a right to display the United States or Utah flag to:
  - a renter of a residential rental unit;
  - a resident of a mobile home park; and
  - a condominium unit owner.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**57-24-101**, Utah Code Annotated 1953

**57-24-102**, Utah Code Annotated 1953

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

Section 1. Section **57-24-101** is enacted to read:



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**CHAPTER 24. DISPLAY OF FLAG**

**57-24-101. Definitions.**

As used in this chapter:

(1) (a) "Flag" means a depiction or emblem:

(i) (A) of the flag of the United States as provided in United States Code Title 4,

Chapter 1, The Flag; or

(B) of the state flag of Utah as provided in Section 63-13-5;

(ii) made from fabric or cloth; and

(iii) with measurements that do not exceed three feet by five feet.

(b) "Flag" does not include a depiction or emblem made from:

(i) lights;

(ii) paint;

(iii) roofing;

(iv) siding;

(v) paving materials;

(vi) flora;

(vii) balloons; or

(viii) any other building, landscaping, or decorative component.

(2) "Resident" means:

(a) a renter as defined in Section 57-22-2;

(b) a resident as defined in Section 57-16-3; or

(c) a unit owner as defined in Section 57-8-3.

(3) "Residential property management authority" means:

(a) an owner as defined in Section 57-22-2;

(b) a mobile home park as defined in Section 57-16-3;

(c) a mobile home park residents' association established in accordance with Section

57-16-16;

(d) an association of unit owners as defined in Section 57-8-3; or

(e) a management committee as defined in Section 57-8-3.

Section 2. Section **57-24-102** is enacted to read:

**57-24-102. Restriction on prohibition of display of flag.**

59           (1) A residential property management authority may not prohibit a resident from  
60 displaying a flag:

61           (a) consistent with the guidelines in United States Code Title 4, Chapter 1, The Flag;

62           (b) within an area over which the resident has exclusive control; and

63           (c) from a staff, pole, or window.

64           (2) In any action to enforce this section, the prevailing party shall be awarded costs and  
65 reasonable attorney fees.

65a           Ĥ (3) THIS SECTION DOES NOT APPLY TO A CONTRACT OR AGREEMENT ENTERED INTO  
65b BEFORE MAY 3, 2004. ĥ

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**Legislative Review Note**  
**as of 12-17-03 8:17 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Right to Display at Personal Residence***19-Jan-04***Bill Number HB0079***1:44 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**No fiscal impact.

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**Office of the Legislative Fiscal Analyst**