

Jerry W. Stevenson proposes the following substitute bill:

Interdicted Person Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This bill provides that an individual convicted of driving under the influence may be designated as an interdicted person.

Highlighted Provisions:

This bill:

- provides that a person convicted of driving under the influence may be designated as an interdicted person and is prohibited from purchasing alcohol for a certain time period;
- requires a court to designate an individual as a interdicted person if the person is convicted of an extreme DUI;
- allows the court to determine the time period of interdiction;
- requires the Department of Alcoholic Beverage Services to provide training on verification of whether a person is an interdicted person, including inspection of the person's identification card or driver license;
- requires a person designated as an interdicted person to obtain a unique driver license or identification card with security features indicating that the person is an interdicted person;
- allows a person to voluntarily obtain a unique driver license or identification card with security features indicating that the person is an interdicted person;
- provides relevant definitions; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

29 AMENDS:

30 **32B-1-102**, as last amended by Laws of Utah 2024, Chapters 438, 464

31 **32B-1-407**, as last amended by Laws of Utah 2018, Chapter 249

32 **32B-1-704**, as last amended by Laws of Utah 2024, Chapter 438

33 **32B-4-405**, as enacted by Laws of Utah 2010, Chapter 276

34 **32B-5-306**, as last amended by Laws of Utah 2019, Chapter 403

35 **41-6a-102**, as last amended by Laws of Utah 2024, Chapter 236

36 **41-6a-505**, as last amended by Laws of Utah 2024, Chapters 134, 197

37 **41-6a-509**, as last amended by Laws of Utah 2024, Chapter 106

38 **53-3-102**, as last amended by Laws of Utah 2024, Chapter 517

39 **53-3-104**, as last amended by Laws of Utah 2024, Chapter 106

40 **53-3-105**, as last amended by Laws of Utah 2024, Chapter 527

41 **53-3-805**, as last amended by Laws of Utah 2023, Chapters 328, 414 and 456

42 **53-3-808**, as last amended by Laws of Utah 2009, Chapter 45

43 **76-5-102.1**, as last amended by Laws of Utah 2024, Chapter 197

44 **76-5-207**, as last amended by Laws of Utah 2024, Chapters 153, 208 and 381

45 ENACTS:

46 **53-3-236**, Utah Code Annotated 1953



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

49 Section 1. Section **32B-1-102** is amended to read:

50 **32B-1-102 . Definitions.**

51 As used in this title:

52 (1) "Airport lounge" means a business location:

53 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

54 (b) that is located at an international airport or domestic airport.

55 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail

56 License Act, and Chapter 6, Part 5, Airport Lounge License.

57 (3) "Alcoholic beverage" means the following:

58 (a) beer; or

59 (b) liquor.

60 (4)(a) "Alcoholic product" means a product that:

61 (i) contains at least .5% of alcohol by volume; and

62 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other

- 63 process that uses liquid or combinations of liquids, whether drinkable or not, to
64 create alcohol in an amount equal to or greater than .5% of alcohol by volume.
- 65 (b) "Alcoholic product" includes an alcoholic beverage.
- 66 (c) "Alcoholic product" does not include any of the following common items that
67 otherwise come within the definition of an alcoholic product:
- 68 (i) except as provided in Subsection (4)(d), an extract;
69 (ii) vinegar;
70 (iii) preserved nonintoxicating cider;
71 (iv) essence;
72 (v) tincture;
73 (vi) food preparation; or
74 (vii) an over-the-counter medicine.
- 75 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
76 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 77 (5) "Alcohol training and education seminar" means a seminar that is:
- 78 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
79 (b) described in Section 26B-5-205.
- 80 (6) "Arena" means an enclosed building:
- 81 (a) that is managed by:
- 82 (i) the same person who owns the enclosed building;
83 (ii) a person who has a majority interest in each person who owns or manages a space
84 in the enclosed building; or
85 (iii) a person who has authority to direct or exercise control over the management or
86 policy of each person who owns or manages a space in the enclosed building;
- 87 (b) that operates as a venue; and
88 (c) that has an occupancy capacity of at least 12,500.
- 89 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail License
90 Act, and Chapter 8c, Arena License Act.
- 91 (8) "Banquet" means an event:
- 92 (a) that is a private event or a privately sponsored event;
93 (b) that is held at one or more designated locations approved by the commission in or on
94 the premises of:
- 95 (i) a hotel;
96 (ii) a resort facility;

- 97 (iii) a sports center;
- 98 (iv) a convention center;
- 99 (v) a performing arts facility;
- 100 (vi) an arena; or
- 101 (vii) a restaurant venue;
- 102 (c) for which there is a contract:
- 103 (i) between a person operating a facility listed in Subsection (8)(b) and another
- 104 person that has common ownership of less than 20% with the person operating the
- 105 facility; and
- 106 (ii) under which the person operating a facility listed in Subsection (8)(b) is required
- 107 to provide an alcoholic product at the event; and
- 108 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 109 (9)(a) "Bar establishment license" means a license issued in accordance with Chapter 5,
- 110 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 111 (b) "Bar establishment license" includes:
- 112 (i) a dining club license;
- 113 (ii) an equity license;
- 114 (iii) a fraternal license; or
- 115 (iv) a bar license.
- 116 (10) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
- 117 and Chapter 6, Part 4, Bar Establishment License.
- 118 (11)(a) "Beer" means a product that:
- 119 (i) contains:
- 120 (A) at least .5% of alcohol by volume; and
- 121 (B) no more than 5% of alcohol by volume or 4% by weight;
- 122 (ii) is obtained by fermentation, infusion, or decoction of:
- 123 (A) malt; or
- 124 (B) a malt substitute; and
- 125 (iii) is clearly marketed, labeled, and identified as:
- 126 (A) beer;
- 127 (B) ale;
- 128 (C) porter;
- 129 (D) stout;
- 130 (E) lager;

- 131 (F) a malt;
- 132 (G) a malted beverage; or
- 133 (H) seltzer.
- 134 (b) "Beer" may contain:
- 135 (i) hops extract;
- 136 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 137 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
- 138 (A) is used in the production of beer;
- 139 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
- 140 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
- 141 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 142 (c) "Beer" does not include:
- 143 (i) a flavored malt beverage;
- 144 (ii) a product that contains alcohol derived from:
- 145 (A) except as provided in Subsection (11)(b)(iii), spirituous liquor; or
- 146 (B) wine; or
- 147 (iii) a product that contains an additive masking or altering a physiological effect of
- 148 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
- 149 tetrahydrocannabinol.
- 150 (12) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
- 151 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 152 (13) "Beer retailer" means a business that:
- 153 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
- 154 consumption on or off the business premises; and
- 155 (b) is licensed as:
- 156 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
- 157 Beer Retailer Local Authority; or
- 158 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
- 159 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 160 (14) "Beer wholesaling license" means a license:
- 161 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 162 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
- 163 licensees or off-premise beer retailers.
- 164 (15) "Billboard" means a public display used to advertise, including:

- 165 (a) a light device;
- 166 (b) a painting;
- 167 (c) a drawing;
- 168 (d) a poster;
- 169 (e) a sign;
- 170 (f) a signboard; or
- 171 (g) a scoreboard.
- 172 (16) "Brewer" means a person engaged in manufacturing:
- 173 (a) beer;
- 174 (b) heavy beer; or
- 175 (c) a flavored malt beverage.
- 176 (17) "Brewery manufacturing license" means a license issued in accordance with Chapter
- 177 11, Part 5, Brewery Manufacturing License.
- 178 (18) "Certificate of approval" means a certificate of approval obtained from the department
- 179 under Section 32B-11-201.
- 180 (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a
- 181 bus company to a group of persons pursuant to a common purpose:
- 182 (a) under a single contract;
- 183 (b) at a fixed charge in accordance with the bus company's tariff; and
- 184 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 185 motor vehicle, and a driver to travel together to one or more specified destinations.
- 186 (20) "Church" means a building:
- 187 (a) set apart for worship;
- 188 (b) in which religious services are held;
- 189 (c) with which clergy is associated; and
- 190 (d) that is tax exempt under the laws of this state.
- 191 (21) "Commission" means the Alcoholic Beverage Services Commission created in Section
- 192 32B-2-201.
- 193 (22) "Commissioner" means a member of the commission.
- 194 (23) "Community location" means:
- 195 (a) a public or private school as defined in Subsection 32B-1-102(115);
- 196 (b) a church;
- 197 (c) a public library;
- 198 (d) a public playground; or

- 199 (e) a public park.
- 200 (24) "Community location governing authority" means:
- 201 (a) the governing body of the community location; or
- 202 (b) if the commission does not know who is the governing body of a community
- 203 location, a person who appears to the commission to have been given on behalf of the
- 204 community location the authority to prohibit an activity at the community location.
- 205 (25) "Container" means a receptacle that contains an alcoholic product, including:
- 206 (a) a bottle;
- 207 (b) a vessel; or
- 208 (c) a similar item.
- 209 (26) "Controlled group of manufacturers" means as the commission defines by rule made in
- 210 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 211 (27) "Convention center" means a facility that is:
- 212 (a) in total at least 30,000 square feet; and
- 213 (b) otherwise defined as a "convention center" by the commission by rule.
- 214 (28)(a) "Counter" means a surface or structure in a dining area of a licensed premises
- 215 where seating is provided to a patron for service of food.
- 216 (b) "Counter" does not include a dispensing structure.
- 217 (29) "Crime involving moral turpitude" is as defined by the commission by rule.
- 218 (30) "Department" means the Department of Alcoholic Beverage Services created in
- 219 Section 32B-2-203.
- 220 (31) "Department compliance officer" means an individual who is:
- 221 (a) an auditor or inspector; and
- 222 (b) employed by the department.
- 223 (32) "Department sample" means liquor that is placed in the possession of the department
- 224 for testing, analysis, and sampling.
- 225 (33) "Dining club license" means a license issued in accordance with Chapter 5, Retail
- 226 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 227 commission as a dining club license.
- 228 (34) "Director," unless the context requires otherwise, means the director of the department.
- 229 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
- 230 (a) against a person subject to administrative action; and
- 231 (b) that is brought on the basis of a violation of this title.
- 232 (36)(a) Subject to Subsection (36)(b), "dispense" means:

- 233 (i) drawing an alcoholic product; and
234 (ii) using the alcoholic product at the location from which it was drawn to mix or
235 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 236 (b) The definition of "dispense" in this Subsection (36) applies only to:
- 237 (i) a full-service restaurant license;
238 (ii) a limited-service restaurant license;
239 (iii) a reception center license;
240 (iv) a beer-only restaurant license;
241 (v) a bar license;
242 (vi) an on-premise beer retailer;
243 (vii) an airport lounge license;
244 (viii) an on-premise banquet license; and
245 (ix) a hospitality amenity license.
- 246 (37) "Dispensing structure" means a surface or structure on a licensed premises:
247 (a) where an alcoholic product is dispensed; or
248 (b) from which an alcoholic product is served.
- 249 (38) "Distillery manufacturing license" means a license issued in accordance with Chapter
250 11, Part 4, Distillery Manufacturing License.
- 251 (39) "Distressed merchandise" means an alcoholic product in the possession of the
252 department that is saleable, but for some reason is unappealing to the public.
- 253 (40) "Domestic airport" means an airport that:
254 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
255 (b) receives scheduled commercial passenger aircraft service; and
256 (c) is not an international airport.
- 257 (41) "Equity license" means a license issued in accordance with Chapter 5, Retail License
258 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
259 commission as an equity license.
- 260 (42) "Event permit" means:
261 (a) a single event permit; or
262 (b) a temporary beer event permit.
- 263 (43) "Exempt license" means a license exempt under Section 32B-1-201 from being
264 considered in determining the total number of retail licenses that the commission may
265 issue at any time.
- 266 (44)(a) "Flavored malt beverage" means a beverage:

- 267 (i) that contains at least .5% alcohol by volume;
- 268 (ii) for which the producer is required to file a formula for approval with the federal
269 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
270 the beverage is treated by processing, filtration, or another method of manufacture
271 that is not generally recognized as a traditional process in the production of a beer,
272 ale, porter, stout, lager, or malt liquor; and
- 273 (iii) for which the producer is required to file a formula for approval with the federal
274 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
275 the beverage includes an ingredient containing alcohol.
- 276 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
277 ethanol-based flavoring agent that contributes to the overall alcohol content of the
278 beverage.
- 279 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 280 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 281 (45) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License
282 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
283 commission as a fraternal license.
- 284 (46) "Full-service restaurant license" means a license issued in accordance with Chapter 5,
285 Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 286 (47)(a) "Furnish" means by any means to provide with, supply, or give an individual an
287 alcoholic product, by sale or otherwise.
- 288 (b) "Furnish" includes to:
- 289 (i) serve;
- 290 (ii) deliver; or
- 291 (iii) otherwise make available.
- 292 (48) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- 293 (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 294 (50) "Health care practitioner" means:
- 295 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 296 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 297 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 298 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
299 Act;
- 300 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,

- 301 Nurse Practice Act;
- 302 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
303 Practice Act;
- 304 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
305 Therapy Practice Act;
- 306 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 307 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
308 Professional Practice Act;
- 309 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 310 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
311 Act;
- 312 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
313 Hygienist Practice Act; and
- 314 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
315 Act.
- 316 (51)(a) "Heavy beer" means a product that:
- 317 (i)(A) contains more than 5% alcohol by volume;
- 318 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
319 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
320 ethanol-based flavoring agent that contributes more than 10% of the overall
321 alcohol content of the product; or
- 322 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
323 volume or 4% by weight, and has a label or packaging that is rejected under
324 Subsection 32B-1-606(3)(b); and
- 325 (ii) is obtained by fermentation, infusion, or decoction of:
- 326 (A) malt; or
- 327 (B) a malt substitute.
- 328 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
329 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
330 contributes to the overall alcohol content of the heavy beer.
- 331 (c) "Heavy beer" does not include:
- 332 (i) a flavored malt beverage;
- 333 (ii) a product that contains alcohol derived from:
- 334 (A) except as provided in Subsections (51)(a)(i)(B) and (51)(b), spirituous liquor;

- 335 or
- 336 (B) wine; or
- 337 (iii) a product that contains an additive masking or altering a physiological effect of
- 338 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
- 339 tetrahydrocannabinol.
- 340 (d) "Heavy beer" is considered liquor for the purposes of this title.
- 341 (52) "Hospitality amenity license" means a license issued in accordance with Chapter 5,
- 342 Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 343 (53)(a) "Hotel" means a commercial lodging establishment that:
- 344 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
- 345 (ii) is capable of hosting conventions, conferences, and food and beverage functions
- 346 under a banquet contract; and
- 347 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
- 348 complete meals;
- 349 (B) has at least 1,000 square feet of function space consisting of meeting or dining
- 350 rooms that can be reserved for a banquet and can accommodate at least 75
- 351 individuals; or
- 352 (C) if the establishment is located in a small or unincorporated locality, has an
- 353 appropriate amount of function space consisting of meeting or dining rooms
- 354 that can be reserved for private use under a banquet contract, as determined by
- 355 the commission.
- 356 (b) "Hotel" includes a commercial lodging establishment that:
- 357 (i) meets the requirements under Subsection (53)(a); and
- 358 (ii) has one or more privately owned dwelling units.
- 359 (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail License
- 360 Act, and Chapter 8b, Hotel License Act.
- 361 (55) "Identification card" means an identification card issued under Title 53, Chapter 3, Part
- 362 8, Identification Card Act.
- 363 (56) "Industry representative" means an individual who is compensated by salary,
- 364 commission, or other means for representing and selling an alcoholic product of a
- 365 manufacturer, supplier, or importer of liquor.
- 366 (57) "Industry representative sample" means liquor that is placed in the possession of the
- 367 department for testing, analysis, and sampling by a local industry representative on the
- 368 premises of the department to educate the local industry representative of the quality and

369 characteristics of the product.

370 (58)(a) "Interdicted person" means a person to whom the sale, offer for sale, or
371 furnishing of an alcoholic product is prohibited by:

372 [~~(a)~~] (i) law; or

373 [~~(b)~~] (ii) court order.

374 (b) "Interdicted person" includes a person who voluntarily obtains a driver license
375 certificate under Section 53-3-236 or an identification card under Section 53-3-805
376 with an interdicted person identifier.

377 (59) "International airport" means an airport:

378 (a) with a United States Customs and Border Protection office on the premises of the
379 airport; and

380 (b) at which international flights may enter and depart.

381 (60) "Intoxicated" or "intoxication" means that

382 an individual exhibits plain and easily observable outward manifestations of behavior or
383 physical signs produced by or as a result of the use of:

384 (a) an alcoholic product;

385 (b) a controlled substance;

386 (c) a substance having the property of releasing toxic vapors; or

387 (d) a combination of products or substances described in Subsections (60)(a) through (c).

388 (61) "Investigator" means an individual who is:

389 (a) a department compliance officer; or

390 (b) a nondepartment enforcement officer.

391 (62) "License" means:

392 (a) a retail license;

393 (b) a sublicense;

394 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
395 License;

396 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
397 Act;

398 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

399 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or

400 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

401 (63) "Licensee" means a person who holds a license.

402 (64) "Limited-service restaurant license" means a license issued in accordance with Chapter

- 403 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 404 (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other
405 than a bus or taxicab:
- 406 (a) in which the driver and a passenger are separated by a partition, glass, or other
407 barrier;
- 408 (b) that is provided by a business entity to one or more individuals at a fixed charge in
409 accordance with the business entity's tariff; and
- 410 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
411 travel to one or more specified destinations.
- 412 (66)(a)(i) "Liquor" means a liquid that:
- 413 (A) is:
- 414 (I) alcohol;
- 415 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 416 (III) a combination of liquids a part of which is spirituous, vinous, or
417 fermented; or
- 418 (IV) other drink or drinkable liquid; and
- 419 (B)(I) contains at least .5% alcohol by volume; and
420 (II) is suitable to use for beverage purposes.
- 421 (ii) "Liquor" includes:
- 422 (A) heavy beer;
- 423 (B) wine; and
424 (C) a flavored malt beverage.
- 425 (b) "Liquor" does not include beer.
- 426 (67) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 427 (68) "Liquor transport license" means a license issued in accordance with Chapter 17,
428 Liquor Transport License Act.
- 429 (69) "Liquor warehousing license" means a license that is issued:
- 430 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
431 (b) to a person, other than a licensed manufacturer, who engages in the importation for
432 storage, sale, or distribution of liquor regardless of amount.
- 433 (70) "Local authority" means:
- 434 (a) for premises that are located in an unincorporated area of a county, the governing
435 body of a county;
- 436 (b) for premises that are located in an incorporated city or town, the governing body of

- 437 the city or town; or
- 438 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
439 a project area plan adopted by the Military Installation Development Authority under
440 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
441 Installation Development Authority.
- 442 (71) "Lounge or bar area" is as defined by rule made by the commission.
- 443 (72) "Malt substitute" means:
- 444 (a) rice;
- 445 (b) grain;
- 446 (c) bran;
- 447 (d) glucose;
- 448 (e) sugar; or
- 449 (f) molasses.
- 450 (73) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
451 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 452 (74) "Member" means an individual who, after paying regular dues, has full privileges in an
453 equity licensee or fraternal licensee.
- 454 (75)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or
455 homeport facility for a ship:
- 456 (i)(A) under the control of the United States Department of Defense; or
457 (B) of the National Guard;
- 458 (ii) that is located within the state; and
459 (iii) including a leased facility.
- 460 (b) "Military installation" does not include a facility used primarily for:
- 461 (i) civil works;
- 462 (ii) a rivers and harbors project; or
463 (iii) a flood control project.
- 464 (76) "Minibar" means an area of a hotel guest room where one or more alcoholic products
465 are kept and offered for self-service sale or consumption.
- 466 (77) "Minor" means an individual under 21 years old.
- 467 (78) "Nondepartment enforcement agency" means an agency that:
- 468 (a)(i) is a state agency other than the department; or
469 (ii) is an agency of a county, city, or town; and
470 (b) has a responsibility to enforce one or more provisions of this title.

- 471 (79) "Nondepartment enforcement officer" means an individual who is:
472 (a) a peace officer, examiner, or investigator; and
473 (b) employed by a nondepartment enforcement agency.
- 474 (80)(a) "Off-premise beer retailer" means a beer retailer who is:
475 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
476 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
477 premises.
- 478 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 479 (81) "Off-premise beer retailer state license" means a state license issued in accordance
480 with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 481 (82) "On-premise banquet license" means a license issued in accordance with Chapter 5,
482 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 483 (83) "On-premise beer retailer" means a beer retailer who is:
484 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
485 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
486 License; and
487 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
488 premises:
489 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
490 premises; and
491 (ii) on and after March 1, 2012, operating:
492 (A) as a tavern; or
493 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 494 (84) "Opaque" means impenetrable to sight.
- 495 (85) "Package agency" means a retail liquor location operated:
496 (a) under an agreement with the department; and
497 (b) by a person:
498 (i) other than the state; and
499 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
500 Package Agency, to sell packaged liquor for consumption off the premises of the
501 package agency.
- 502 (86) "Package agent" means a person who holds a package agency.
- 503 (87) "Patron" means an individual to whom food, beverages, or services are sold, offered
504 for sale, or furnished, or who consumes an alcoholic product including:

- 505 (a) a customer;
- 506 (b) a member;
- 507 (c) a guest;
- 508 (d) an attendee of a banquet or event;
- 509 (e) an individual who receives room service;
- 510 (f) a resident of a resort; or
- 511 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
- 512 license.
- 513 (88)(a) "Performing arts facility" means a multi-use performance space that:
- 514 (i) is primarily used to present various types of performing arts, including dance,
- 515 music, and theater;
- 516 (ii) contains over 2,500 seats;
- 517 (iii) is owned and operated by a governmental entity; and
- 518 (iv) is located in a city of the first class.
- 519 (b) "Performing arts facility" does not include a space that is used to present sporting
- 520 events or sporting competitions.
- 521 (89) "Permittee" means a person issued a permit under:
- 522 (a) Chapter 9, Event Permit Act; or
- 523 (b) Chapter 10, Special Use Permit Act.
- 524 (90) "Person subject to administrative action" means:
- 525 (a) a licensee;
- 526 (b) a permittee;
- 527 (c) a manufacturer;
- 528 (d) a supplier;
- 529 (e) an importer;
- 530 (f) one of the following holding a certificate of approval:
- 531 (i) an out-of-state brewer;
- 532 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 533 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 534 (g) staff of:
- 535 (i) a person listed in Subsections (90)(a) through (f); or
- 536 (ii) a package agent.
- 537 (91) "Premises" means a building, enclosure, or room used in connection with the storage,
- 538 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,

- 539 unless otherwise defined in this title or rules made by the commission.
- 540 (92) "Prescription" means an order issued by a health care practitioner when:
- 541 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 542 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 543 (b) the order is made in the course of that health care practitioner's professional practice;
- 544 and
- 545 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 546 (93)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 547 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 548 (94) "Principal license" means:
- 549 (a) a resort license;
- 550 (b) a hotel license; or
- 551 (c) an arena license.
- 552 (95)(a) "Private event" means a specific social, business, or recreational event:
- 553 (i) for which an entire room, area, or hall is leased or rented in advance by an
- 554 identified group; and
- 555 (ii) that is limited in attendance to people who are specifically designated and their
- 556 guests.
- 557 (b) "Private event" does not include an event to which the general public is invited,
- 558 whether for an admission fee or not.
- 559 (96) "Privately sponsored event" means a specific social, business, or recreational event:
- 560 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 561 (b) to which entry is restricted by an admission fee.
- 562 (97)(a) "Proof of age" means:
- 563 (i) an identification card;
- 564 (ii) an identification that:
- 565 (A) is substantially similar to an identification card;
- 566 (B) is issued in accordance with the laws of a state other than Utah in which the
- 567 identification is issued;
- 568 (C) includes date of birth; and
- 569 (D) has a picture affixed;
- 570 (iii) a valid driver license certificate that:
- 571 (A) includes date of birth;
- 572 (B) has a picture affixed; and

- 573 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in
574 accordance with the laws of the state in which it is issued, or in accordance
575 with federal law by the United States Department of State;
- 576 (iv) a military identification card that:
577 (A) includes date of birth; and
578 (B) has a picture affixed; or
579 (v) a valid passport.
- 580 (b) "Proof of age" does not include a driving privilege card issued in accordance with
581 Section 53-3-207.
- 582 (98) "Provisions applicable to a sublicense" means:
583 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
584 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
585 (b) for a limited-service restaurant sublicense, the provisions applicable to a
586 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
587 License;
588 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
589 license under Chapter 6, Part 4, Bar Establishment License;
590 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
591 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
592 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
593 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
594 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
595 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
596 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
597 license under Chapter 6, Part 10, Hospitality Amenity License; and
598 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
599 Part 2, Resort Spa Sublicense.
- 600 (99)(a) "Public building" means a building or permanent structure that is:
601 (i) owned or leased by:
602 (A) the state; or
603 (B) a local government entity; and
604 (ii) used for:
605 (A) public education;
606 (B) transacting public business; or

- 607 (C) regularly conducting government activities.
- 608 (b) "Public building" does not include a building owned by the state or a local
609 government entity when the building is used by a person, in whole or in part, for a
610 proprietary function.
- 611 (100) "Public conveyance" means a conveyance that the public or a portion of the public
612 has access to and a right to use for transportation, including an airline, railroad, bus,
613 boat, or other public conveyance.
- 614 (101) "Reception center" means a business that:
- 615 (a) operates facilities that are at least 5,000 square feet; and
616 (b) has as its primary purpose the leasing of the facilities described in Subsection
617 (101)(a) to a third party for the third party's event.
- 618 (102) "Reception center license" means a license issued in accordance with Chapter 5,
619 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 620 (103)(a) "Record" means information that is:
- 621 (i) inscribed on a tangible medium; or
622 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 623 (b) "Record" includes:
- 624 (i) a book;
625 (ii) a book of account;
626 (iii) a paper;
627 (iv) a contract;
628 (v) an agreement;
629 (vi) a document; or
630 (vii) a recording in any medium.
- 631 (104) "Residence" means a person's principal place of abode within Utah.
- 632 (105) "Resident," in relation to a resort, means the same as that term is defined in Section
633 32B-8-102.
- 634 (106) "Resort" means the same as that term is defined in Section 32B-8-102.
- 635 (107) "Resort facility" is as defined by the commission by rule.
- 636 (108) "Resort license" means a license issued in accordance with Chapter 5, Retail License
637 Act, and Chapter 8, Resort License Act.
- 638 (109) "Responsible alcohol service plan" means a written set of policies and procedures that
639 outlines measures to prevent employees from:
- 640 (a) over-serving alcoholic beverages to customers;

- 641 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
642 intoxicated; and
- 643 (c) serving alcoholic beverages to minors.
- 644 (110) "Restaurant" means a business location:
- 645 (a) at which a variety of foods are prepared;
- 646 (b) at which complete meals are served; and
- 647 (c) that is engaged primarily in serving meals.
- 648 (111) "Restaurant license" means one of the following licenses issued under this title:
- 649 (a) a full-service restaurant license;
- 650 (b) a limited-service restaurant license; or
- 651 (c) a beer-only restaurant license.
- 652 (112) "Restaurant venue" means a room within a restaurant that:
- 653 (a) is located on the licensed premises of a restaurant licensee;
- 654 (b) is separated from the area within the restaurant for a patron's consumption of food by
655 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
656 visible to a patron in the area within the restaurant for a patron's consumption of
657 food; and
- 658 (c)(i) has at least 1,000 square feet that:
- 659 (A) may be reserved for a banquet; and
- 660 (B) accommodates at least 75 individuals; or
- 661 (ii) if the restaurant is located in a small or unincorporated locality, has an
662 appropriate amount of space, as determined by the commission, that may be
663 reserved for a banquet.
- 664 (113) "Retail license" means one of the following licenses issued under this title:
- 665 (a) a full-service restaurant license;
- 666 (b) a master full-service restaurant license;
- 667 (c) a limited-service restaurant license;
- 668 (d) a master limited-service restaurant license;
- 669 (e) a bar establishment license;
- 670 (f) an airport lounge license;
- 671 (g) an on-premise banquet license;
- 672 (h) an on-premise beer license;
- 673 (i) a reception center license;
- 674 (j) a beer-only restaurant license;

- 675 (k) a hospitality amenity license;
- 676 (l) a resort license;
- 677 (m) a hotel license; or
- 678 (n) an arena license.
- 679 (114) "Room service" means furnishing an alcoholic product to a person in a guest room or
680 privately owned dwelling unit of a:
- 681 (a) hotel; or
- 682 (b) resort facility.
- 683 (115)(a) "School" means a building in which any part is used for more than three hours
684 each weekday during a school year as a public or private:
- 685 (i) elementary school;
- 686 (ii) secondary school; or
- 687 (iii) kindergarten.
- 688 (b) "School" does not include:
- 689 (i) a nursery school;
- 690 (ii) a day care center;
- 691 (iii) a trade and technical school;
- 692 (iv) a preschool;
- 693 (v) a home school;
- 694 (vi) a home-based microschool as defined in Section 53G-6-201; or
- 695 (vii) a micro-education entity as defined in Section 53G-6-201.
- 696 (116) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for
697 additional flavoring that is different in type, flavor, or brand from the primary spirituous
698 liquor in the beverage.
- 699 (117) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
700 consideration, an alcoholic product is either directly or indirectly transferred, solicited,
701 ordered, delivered for value, or by a means or under a pretext is promised or obtained,
702 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined
703 in this title or the rules made by the commission.
- 704 (118) "Serve" means to place an alcoholic product before an individual.
- 705 (119) "Sexually oriented entertainer" means a person who while in a state of seminudity
706 appears at or performs:
- 707 (a) for the entertainment of one or more patrons;
- 708 (b) on the premises of:

- 709 (i) a bar licensee; or
710 (ii) a tavern;
- 711 (c) on behalf of or at the request of the licensee described in Subsection (119)(b);
712 (d) on a contractual or voluntary basis; and
713 (e) whether or not the person is designated as:
714 (i) an employee;
715 (ii) an independent contractor;
716 (iii) an agent of the licensee; or
717 (iv) a different type of classification.
- 718 (120) "Shared seating area" means the licensed premises of two or more restaurant
719 licensees that the restaurant licensees share as an area for alcoholic beverage
720 consumption in accordance with Subsection 32B-5-207(3).
- 721 (121) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
722 Single Event Permit.
- 723 (122) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer,
724 heavy beer, and flavored malt beverage per year, as the department calculates by:
725 (a) if the brewer is part of a controlled group of manufacturers, including the combined
726 volume totals of production for all breweries that constitute the controlled group of
727 manufacturers; and
728 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
729 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
730 determines by rule made in accordance with Title 63G, Chapter 3, Utah
731 Administrative Rulemaking Act; and
732 (ii) does not sell for consumption as, or in, a beverage.
- 733 (123) "Small or unincorporated locality" means:
734 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
735 (b) a town, as classified under Section 10-2-301; or
736 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
737 under Section 17-50-501.
- 738 (124) "Spa sublicense" means a sublicense:
739 (a) to a resort license or hotel license; and
740 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
741 Sublicense.
- 742 (125) "Special use permit" means a permit issued in accordance with Chapter 10, Special

- 743 Use Permit Act.
- 744 (126)(a) "Spirituous liquor" means liquor that is distilled.
- 745 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
746 U.S.C. Sec. 211 and 27 C.F.R. [See] Secs. 5.11 through 5.23.
- 747 (127) "Sports center" is as defined by the commission by rule.
- 748 (128)(a) "Staff" means an individual who engages in activity governed by this title:
- 749 (i) on behalf of a business, including a package agent, licensee, permittee, or
750 certificate holder;
- 751 (ii) at the request of the business, including a package agent, licensee, permittee, or
752 certificate holder; or
- 753 (iii) under the authority of the business, including a package agent, licensee,
754 permittee, or certificate holder.
- 755 (b) "Staff" includes:
- 756 (i) an officer;
- 757 (ii) a director;
- 758 (iii) an employee;
- 759 (iv) personnel management;
- 760 (v) an agent of the licensee, including a managing agent;
- 761 (vi) an operator; or
- 762 (vii) a representative.
- 763 (129) "State of nudity" means:
- 764 (a) the appearance of:
- 765 (i) the nipple or areola of a female human breast;
- 766 (ii) a human genital;
- 767 (iii) a human pubic area; or
- 768 (iv) a human anus; or
- 769 (b) a state of dress that fails to opaquely cover:
- 770 (i) the nipple or areola of a female human breast;
- 771 (ii) a human genital;
- 772 (iii) a human pubic area; or
- 773 (iv) a human anus.
- 774 (130) "State of seminudity" means a state of dress in which opaque clothing covers no more
775 than:
- 776 (a) the nipple and areola of the female human breast in a shape and color other than the

- 777 natural shape and color of the nipple and areola; and
- 778 (b) the human genitals, pubic area, and anus:
- 779 (i) with no less than the following at its widest point:
- 780 (A) four inches coverage width in the front of the human body; and
- 781 (B) five inches coverage width in the back of the human body; and
- 782 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 783 (131)(a) "State store" means a facility for the sale of packaged liquor:
- 784 (i) located on premises owned or leased by the state; and
- 785 (ii) operated by a state employee.
- 786 (b) "State store" does not include:
- 787 (i) a package agency;
- 788 (ii) a licensee; or
- 789 (iii) a permittee.
- 790 (132)(a) "Storage area" means an area on licensed premises where the licensee stores an
- 791 alcoholic product.
- 792 (b) "Store" means to place or maintain in a location an alcoholic product.
- 793 (133) "Sublicense" means:
- 794 (a) any of the following licenses issued as a subordinate license to, and contingent on the
- 795 issuance of, a principal license:
- 796 (i) a full-service restaurant license;
- 797 (ii) a limited-service restaurant license;
- 798 (iii) a bar establishment license;
- 799 (iv) an on-premise banquet license;
- 800 (v) an on-premise beer retailer license;
- 801 (vi) a beer-only restaurant license; or
- 802 (vii) a hospitality amenity license; or
- 803 (b) a spa sublicense.
- 804 (134) "Supplier" means a person who sells an alcoholic product to the department.
- 805 (135) "Tavern" means an on-premise beer retailer who is:
- 806 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
- 807 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 808 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
- 809 On-Premise Beer Retailer License.
- 810 (136) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,

- 811 Part 4, Temporary Beer Event Permit.
- 812 (137) "Temporary domicile" means the principal place of abode within Utah of a person
813 who does not have a present intention to continue residency within Utah permanently or
814 indefinitely.
- 815 (138) "Translucent" means a substance that allows light to pass through, but does not allow
816 an object or person to be seen through the substance.
- 817 (139) "Unsaleable liquor merchandise" means a container that:
- 818 (a) is unsaleable because the container is:
- 819 (i) unlabeled;
- 820 (ii) leaky;
- 821 (iii) damaged;
- 822 (iv) difficult to open; or
- 823 (v) partly filled;
- 824 (b)(i) has faded labels or defective caps or corks;
- 825 (ii) has contents that are:
- 826 (A) cloudy;
- 827 (B) spoiled; or
- 828 (C) chemically determined to be impure; or
- 829 (iii) contains:
- 830 (A) sediment; or
- 831 (B) a foreign substance; or
- 832 (c) is otherwise considered by the department as unfit for sale.
- 833 (140)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural
834 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
835 another ingredient is added.
- 836 (b) "Wine" includes:
- 837 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
838 Sec. 4.10; and
- 839 (ii) hard cider.
- 840 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
841 this title.
- 842 (141) "Winery manufacturing license" means a license issued in accordance with Chapter
843 11, Part 3, Winery Manufacturing License.
- 844 Section 2. Section **32B-1-407** is amended to read:

845 **32B-1-407 . Verification of proof of age by applicable licensees.**

- 846 (1) As used in this section, "applicable licensee" means:
- 847 (a) a dining club;
- 848 (b) a bar;
- 849 (c) a tavern;
- 850 (d) a full-service restaurant;
- 851 (e) a limited-service restaurant; or
- 852 (f) a beer-only restaurant.
- 853 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
- 854 that an authorized person for the applicable licensee verify proof of age as provided in
- 855 this section.
- 856 (3) An authorized person is required to verify proof of age under this section before an
- 857 individual ~~§~~ → [~~who appears to be 35 years of age or younger~~] ← ~~§~~ :
- 858 (a) gains admittance to the premises of a bar licensee or tavern;
- 859 (b) procures an alcoholic product on the premises of a dining club licensee; or
- 860 (c) procures an alcoholic product in a dispensing area in the premises of a full-service
- 861 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant
- 862 licensee.
- 863 (4) To comply with Subsection (3), an authorized person shall:
- 864 (a) request the individual present proof of age; and
- 865 (b)(i) verify the validity of the proof of age electronically under the verification
- 866 program created in Subsection (5); or
- 867 (ii) if the proof of age cannot be electronically verified as provided in Subsection
- 868 (4)(b)(i), request that the individual comply with a process established by the
- 869 commission by rule.
- 870 (5)(a) The commission shall establish by rule an electronic verification program that
- 871 includes the following:
- 872 ~~(a)~~ (i) the specifications for the technology used by the applicable licensee to
- 873 electronically verify proof of age, including that the technology display to the
- 874 person described in Subsection (2) no more than the following for the individual
- 875 who presents the proof of age:
- 876 ~~(i)~~ (A) the name;
- 877 ~~(ii)~~ (B) the age;
- 878 ~~(iii)~~ (C) the number assigned to the individual's proof of age by the issuing

- 879 authority;
- 880 [(iv)] (D) the birth date;
- 881 [(v)] (E) the gender; and
- 882 [(vi)] (F) the status and expiration date of the individual's proof of age; and
- 883 [(b)] (ii) the security measures that shall be used by an applicable licensee to ensure
- 884 that information obtained under this section is:
- 885 [(i)] (A) used by the applicable licensee only for purposes of verifying proof of age
- 886 in accordance with this section; and
- 887 [(ii)] (B) retained by the applicable licensee for seven days after the day on which
- 888 the applicable licensee obtains the information.
- 889 (b) The commission shall ensure that the electronic verification program described in
- 890 Subsection (5)(a) includes technology that recognizes every state's unique hidden
- 891 security features located on state issued identification cards to determine the validity
- 892 of that particular card.
- 893 (6)(a) An applicable licensee may not disclose information obtained under this section
- 894 except as provided under this title.
- 895 (b) Information obtained under this section is considered a record for any purpose under
- 896 Chapter 5, Part 3, Retail Licensee Operational Requirements.
- 897 Section 3. Section **32B-1-704** is amended to read:
- 898 **32B-1-704 . Department training programs.**
- 899 (1) [~~No later than January 1, 2018, the~~] The department shall develop the following training
- 900 programs that are provided either in-person or online:
- 901 (a) a training program for retail managers that addresses:
- 902 (i) the statutes and rules that govern alcohol sales and consumption in the state;
- 903 (ii) the requirements for operating as a retail licensee;
- 904 (iii) using compliance assistance from the department; and
- 905 (iv) any other topic the department determines beneficial to a retail manager; and
- 906 (b) a training program for an individual employed by a retail licensee or an off-premise
- 907 beer retailer who violates a provision of this title related to the sale, service, or
- 908 furnishing of an alcoholic beverage to an intoxicated individual or a minor, that
- 909 addresses:
- 910 (i) the statutes and rules that govern the most common types of violations under this
- 911 title;
- 912 (ii) how to avoid common violations; and

- 913 (iii) any other topic the department determines beneficial to the training program.
- 914 (2) ~~[No later than January 1, 2019, the]~~ The department shall develop a training program for
915 off-premise retail managers that is provided either in-person or online and addresses:
- 916 (a) the statutes and rules that govern sales at an off-premise beer retailer;
- 917 (b) the requirements for operating an off-premise beer retailer;
- 918 (c) using compliance assistance from the department; and
- 919 (d) any other topic the department determines beneficial to an off-premise retail manager.
- 920 (3) The department shall develop a training program for an authorized person, as that term
921 is defined in Section 32B-1-402, to properly verify whether an individual is an
922 interdicted person.
- 923 ~~[(3)]~~ (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
924 the provisions of this section, the department shall make rules to develop and implement
925 the training programs described in this section, including rules that establish:
- 926 (a) the requirements for each training program described in this section;
- 927 (b) measures that accurately identify each individual who takes and completes a training
928 program;
- 929 (c) measures that ensure an individual taking a training program is focused and actively
930 engaged in the training material throughout the training program;
- 931 (d) a record that certifies that an individual has completed a training program; and
- 932 (e) a fee for participation in a training program to cover the department's cost of
933 providing the training program.
- 934 ~~[(4)]~~ (5)(a) Each retail manager shall complete the training described in Subsection (1)(a)
935 no later than the later of:
- 936 (i) 30 days after the day on which the retail manager is hired; or
- 937 (ii) the day on which the retail licensee obtains a retail license.
- 938 (b) Each off-premise retail manager shall complete the training described in Subsection
939 (2) no later than the later of:
- 940 (i) 30 days after the day on which the off-premise retail manager is hired; or
- 941 (ii) 30 days after the day on which the off-premise beer retailer obtains an
942 off-premise beer retailer state license.
- 943 (c)(i) If the commission finds that a retail licensee violated a provision of this title
944 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
945 individual or a minor for a second time within 36 consecutive months after the day
946 on which the first violation was adjudicated, the violator, all retail staff, and each

947 retail manager shall complete the training program described in Subsection (1)(b).
 948 (ii) If the commission finds that an off-premise beer retailer violated a provision of
 949 this title related to the sale, service, or furnishing of an alcoholic beverage to an
 950 intoxicated individual or a minor for a second time within 36 consecutive months
 951 after the day on which the first violation was adjudicated, the violator and each
 952 off-premise retail manager shall complete the training program described in
 953 Subsection (1)(b).

954 ~~[(5)]~~ (6) If an individual fails to complete a required training program under this section:

- 955 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
 956 beer retailer state license;
 957 (b) a city, town, or county in which the retail licensee or off-premise beer retailer is
 958 located may suspend, revoke, or not renew the retail licensee's or off-premise beer
 959 retailer's business license; or
 960 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
 961 license.

962 Section 4. Section **32B-4-405** is amended to read:

963 **32B-4-405 . Unlawful sale, offer for sale, or furnishing to interdicted person.**

- 964 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
 965 interdicted person.
 966 (2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the
 967 person is an interdicted person through examination of the person's identification card or
 968 license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or
 969 proof of age issued by another state or country.

970 ~~[(2)]~~ (3) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
 971 product to an interdicted person:

- 972 (a) under an order of a health care practitioner who is authorized by law to write a
 973 prescription; or
 974 (b) administered by a hospital or health care practitioner authorized by law to administer
 975 the alcoholic product for medicinal purposes.

976 Section 5. Section **32B-5-306** is amended to read:

977 **32B-5-306 . Purchasing or selling alcoholic product.**

978 (1)(a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:

- 979 ~~[(a)]~~ (i) a minor;
 980 ~~[(b)]~~ (ii) a person actually, apparently, or obviously intoxicated;

981 [~~e~~] (iii) a known interdicted person; or

982 [~~d~~] (iv) a known habitual drunkard.

983 (b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify
 984 whether the person is a minor or an interdicted person through examination of the
 985 person's identification card or license certificate issued pursuant to Title 53, Chapter
 986 3, Uniform Driver License Act, or proof of age issued by another state or country.

987 (2)(a) A patron may only purchase an alcoholic product in the licensed premises of a
 988 retail licensee from and be served by an individual who is:

989 (i) staff of the retail licensee; and

990 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

991 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only
 992 if the individual is:

993 (i) staff of the retail licensee; and

994 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

995 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from
 996 staff of the retail licensee or carries bottled wine onto the retail licensee's premises
 997 pursuant to Section 32B-5-307 may thereafter serve wine from the bottle to the
 998 patron or others at the patron's table.

999 (3) The following may not purchase an alcoholic product for a patron:

1000 (a) a retail licensee; or

1001 (b) staff of a retail licensee.

1002 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the
 1003 retail licensee may transfer the retail licensee's inventory of alcoholic product from that
 1004 premises to another premises licensed under this chapter that is owned by the same retail
 1005 licensee.

1006 Section 6. Section **41-6a-102** is amended to read:

1007 **41-6a-102 . Definitions.**

1008 As used in this chapter:

1009 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots
 1010 or buildings in urban districts and not intended for through vehicular traffic.

1011 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

1012 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

1013 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

1014 (5) "Authorized emergency vehicle" includes:

- 1015 (a) a fire department vehicle;
- 1016 (b) a police vehicle;
- 1017 (c) an ambulance; and
- 1018 (d) other publicly or privately owned vehicles as designated by the commissioner of the
- 1019 Department of Public Safety.
- 1020 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 1021 (7)(a) "Bicycle" means a wheeled vehicle:
- 1022 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 1023 (ii) with a seat or saddle designed for the use of the operator;
- 1024 (iii) designed to be operated on the ground; and
- 1025 (iv) whose wheels are not less than 14 inches in diameter.
- 1026 (b) "Bicycle" includes an electric assisted bicycle.
- 1027 (c) "Bicycle" does not include scooters and similar devices.
- 1028 (8)(a) "Bus" means a motor vehicle:
- 1029 (i) designed for carrying more than 15 passengers and used for the transportation of
- 1030 persons; or
- 1031 (ii) designed and used for the transportation of persons for compensation.
- 1032 (b) "Bus" does not include a taxicab.
- 1033 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
- 1034 in design, located in the center of the intersection where traffic passes to the right of
- 1035 the island.
- 1036 (b) "Circular intersection" includes:
- 1037 (i) roundabouts;
- 1038 (ii) rotaries; and
- 1039 (iii) traffic circles.
- 1040 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 1041 motor or electronics that:
- 1042 (a) provides assistance only when the rider is pedaling; and
- 1043 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 1044 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 1045 motor or electronics that:
- 1046 (a) may be used exclusively to propel the bicycle; and
- 1047 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
- 1048 per hour.

- 1049 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
1050 motor or electronics that:
- 1051 (a) provides assistance only when the rider is pedaling;
 - 1052 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
 - 1053 and
 - 1054 (c) is equipped with a speedometer.
- 1055 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 1056 (14) "Controlled-access highway" means a highway, street, or roadway:
- 1057 (a) designed primarily for through traffic; and
 - 1058 (b) to or from which owners or occupants of abutting lands and other persons have no
1059 legal right of access, except at points as determined by the highway authority having
1060 jurisdiction over the highway, street, or roadway.
- 1061 (15) "Crosswalk" means:
- 1062 (a) that part of a roadway at an intersection included within the connections of the lateral
1063 lines of the sidewalks on opposite sides of the highway measured from:
 - 1064 (i)(A) the curbs; or
 - 1065 (B) in the absence of curbs, from the edges of the traversable roadway; and
 - 1066 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
1067 included within the extension of the lateral lines of the existing sidewalk at right
1068 angles to the centerline; or
 - 1069 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
1070 pedestrian crossing by lines or other markings on the surface.
- 1071 (16) "Department" means the Department of Public Safety.
- 1072 (17) "Direct supervision" means oversight at a distance within which:
- 1073 (a) visual contact is maintained; and
 - 1074 (b) advice and assistance can be given and received.
- 1075 (18) "Divided highway" means a highway divided into two or more roadways by:
- 1076 (a) an unpaved intervening space;
 - 1077 (b) a physical barrier; or
 - 1078 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 1079 (19) "Echelon formation" means the operation of two or more snowplows arranged
1080 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
1081 clear snow from two or more lanes at once.
- 1082 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:

- 1083 (i) has a power output of not more than 750 watts;
- 1084 (ii) has fully operable pedals;
- 1085 (iii) has permanently affixed cranks that were installed at the time of the original
- 1086 manufacture;
- 1087 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 1088 (v) is one of the following:
- 1089 (A) a class 1 electric assisted bicycle;
- 1090 (B) a class 2 electric assisted bicycle;
- 1091 (C) a class 3 electric assisted bicycle; or
- 1092 (D) a programmable electric assisted bicycle.
- 1093 (b) "Electric assisted bicycle" does not include:
- 1094 (i) a moped;
- 1095 (ii) a motor assisted scooter;
- 1096 (iii) a motorcycle;
- 1097 (iv) a motor-driven cycle; or
- 1098 (v) any other vehicle with less than four wheels that is designed, manufactured,
- 1099 intended, or advertised by the seller to have any of the following capabilities or
- 1100 features, or that is modifiable or is modified to have any of the following
- 1101 capabilities or features:
- 1102 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
- 1103 power alone;
- 1104 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 1105 (C) is equipped with foot pegs for the operator at the time of manufacture, or
- 1106 requires installation of a pedal kit to have operable pedals; or
- 1107 (D) if equipped with multiple operating modes and a throttle, has one or more
- 1108 modes that exceed 20 miles per hour on motor power alone.
- 1109 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
- 1110 (i) two nontandem wheels in contact with the ground;
- 1111 (ii) a system capable of steering and stopping the unit under typical operating
- 1112 conditions;
- 1113 (iii) an electric propulsion system with average power of one horsepower or 750
- 1114 watts;
- 1115 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 1116 (v) a deck design for a person to stand while operating the device.

- 1117 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 1118 (22) "Explosives" means a chemical compound or mechanical mixture commonly used or
1119 intended for the purpose of producing an explosion and that contains any oxidizing and
1120 combustive units or other ingredients in proportions, quantities, or packing so that an
1121 ignition by fire, friction, concussion, percussion, or detonator of any part of the
1122 compound or mixture may cause a sudden generation of highly heated gases, and the
1123 resultant gaseous pressures are capable of producing destructive effects on contiguous
1124 objects or of causing death or serious bodily injury.
- 1125 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
1126 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 1127 (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
1128 determined by a Tagliabue or equivalent closed-cup test device.
- 1129 (25) "Freeway" means a controlled-access highway that is part of the interstate system as
1130 defined in Section 72-1-102.
- 1131 (26)(a) "Golf cart" means a device that:
- 1132 (i) is designed for transportation by players on a golf course;
- 1133 (ii) has not less than three wheels in contact with the ground;
- 1134 (iii) has an unladen weight of less than 1,800 pounds;
- 1135 (iv) is designed to operate at low speeds; and
- 1136 (v) is designed to carry not more than six persons including the driver.
- 1137 (b) "Golf cart" does not include:
- 1138 (i) a low-speed vehicle or an off-highway vehicle;
- 1139 (ii) a motorized wheelchair;
- 1140 (iii) an electric personal assistive mobility device;
- 1141 (iv) an electric assisted bicycle;
- 1142 (v) a motor assisted scooter;
- 1143 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 1144 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1145 (27) "Gore area" means the area delineated by two solid white lines that is between a
1146 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
1147 including similar areas between merging or splitting highways.
- 1148 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any
1149 load on the vehicle.
- 1150 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

- 1151 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
 1152 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
 1153 highway or railroad tracks.
- 1154 (30) "Highway" means the entire width between property lines of every way or place of any
 1155 nature when any part of it is open to the use of the public as a matter of right for
 1156 vehicular travel.
- 1157 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 1158 (32) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 1159 [~~(32)~~] (33)(a) "Intersection" means the area embraced within the prolongation or
 1160 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the
 1161 roadways of two or more highways that join one another.
- 1162 (b) Where a highway includes two roadways 30 feet or more apart:
 1163 (i) every crossing of each roadway of the divided highway by an intersecting
 1164 highway is a separate intersection; and
 1165 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
 1166 every crossing of two roadways of the highways is a separate intersection.
- 1167 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 1168 [~~(33)~~] (34) "Island" means an area between traffic lanes or at an intersection for control of
 1169 vehicle movements or for pedestrian refuge designated by:
 1170 (a) pavement markings, which may include an area designated by two solid yellow lines
 1171 surrounding the perimeter of the area;
 1172 (b) channelizing devices;
 1173 (c) curbs;
 1174 (d) pavement edges; or
 1175 (e) other devices.
- 1176 [~~(34)~~] (35) "Lane filtering" means, when operating a motorcycle other than an autocyce, the
 1177 act of overtaking and passing another vehicle that is stopped in the same direction of
 1178 travel in the same lane.
- 1179 [~~(35)~~] (36) "Law enforcement agency" means the same as that term is as defined in Section
 1180 53-1-102.
- 1181 [~~(36)~~] (37) "Limited access highway" means a highway:
 1182 (a) that is designated specifically for through traffic; and
 1183 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
 1184 persons have any right or easement, or have only a limited right or easement of

1185 access, light, air, or view.

1186 [(37)] (38) "Local highway authority" means the legislative, executive, or governing body of
1187 a county, municipal, or other local board or body having authority to enact laws relating
1188 to traffic under the constitution and laws of the state.

1189 [(38)] (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

1190 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

1191 (ii) has a capacity of not more than six passengers, including a conventional driver or
1192 fallback-ready user if on board the vehicle, as those terms are defined in Section
1193 41-26-102.1.

1194 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

1195 [(39)] (40) "Metal tire" means a tire, the surface of which in contact with the highway is
1196 wholly or partly of metal or other hard nonresilient material.

1197 [(40)] (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
1198 seat or saddle that is less than 24 inches from the ground as measured on a level
1199 surface with properly inflated tires.

1200 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

1201 (c) "Mini-motorcycle" does not include a motorcycle that is:

1202 (i) designed for off-highway use; and

1203 (ii) registered as an off-highway vehicle under Section 41-22-3.

1204 [(41)] (42) "Mobile home" means:

1205 (a) a trailer or semitrailer that is:

1206 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
1207 place either permanently or temporarily; and

1208 (ii) equipped for use as a conveyance on streets and highways; or

1209 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
1210 for use as a mobile home, as defined in Subsection [(41)(a)] (42)(a), but that is instead
1211 used permanently or temporarily for:

1212 (i) the advertising, sale, display, or promotion of merchandise or services; or

1213 (ii) any other commercial purpose except the transportation of property for hire or the
1214 transportation of property for distribution by a private carrier.

1215 [(42)] (43) "Mobility disability" means the inability of a person to use one or more of the
1216 person's extremities or difficulty with motor skills, that may include limitations with
1217 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
1218 condition.

- 1219 [(43)] (44)(a) "Moped" means a motor-driven cycle having:
- 1220 (i) pedals to permit propulsion by human power; and
- 1221 (ii) a motor that:
- 1222 (A) produces not more than two brake horsepower; and
- 1223 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
- 1224 on level ground.
- 1225 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 1226 centimeters and the moped shall have a power drive system that functions directly or
- 1227 automatically without clutching or shifting by the operator after the drive system is
- 1228 engaged.
- 1229 (c) "Moped" does not include:
- 1230 (i) an electric assisted bicycle; or
- 1231 (ii) a motor assisted scooter.
- 1232 [(44)] (45)(a) "Motor assisted scooter" means a self-propelled device with:
- 1233 (i) at least two wheels in contact with the ground;
- 1234 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 1235 (iii) an electric motor not exceeding 2,000 watts;
- 1236 (iv) either:
- 1237 (A) handlebars and a deck design for a person to stand while operating the device;
- 1238 or
- 1239 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
- 1240 operating the device;
- 1241 (v) a design for the ability to be propelled by human power alone; and
- 1242 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 1243 (b) "Motor assisted scooter" does not include:
- 1244 (i) an electric assisted bicycle; or
- 1245 (ii) a motor-driven cycle.
- 1246 [(45)] (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 1247 propelled by electric power obtained from overhead trolley wires, but not operated
- 1248 upon rails.
- 1249 (b) "Motor vehicle" does not include:
- 1250 (i) vehicles moved solely by human power;
- 1251 (ii) motorized wheelchairs;
- 1252 (iii) an electric personal assistive mobility device;

- 1253 (iv) an electric assisted bicycle;
- 1254 (v) a motor assisted scooter;
- 1255 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 1256 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1257 [~~46~~] (47) "Motorcycle" means:
- 1258 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 1259 and designed to travel with not more than three wheels in contact with the ground; or
- 1260 (b) an auticycle.
- 1261 [~~47~~] (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
- 1262 having:
- 1263 (i) an engine with less than 150 cubic centimeters displacement; or
- 1264 (ii) a motor that produces not more than five horsepower.
- 1265 (b) "Motor-driven cycle" does not include:
- 1266 (i) an electric personal assistive mobility device;
- 1267 (ii) a motor assisted scooter; or
- 1268 (iii) an electric assisted bicycle.
- 1269 [~~48~~] (49) "Off-highway implement of husbandry" means the same as that term is defined
- 1270 under Section 41-22-2.
- 1271 [~~49~~] (50) "Off-highway vehicle" means the same as that term is defined under Section
- 1272 41-22-2.
- 1273 [~~50~~] (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 1274 [~~51~~] (52) "Operator" means:
- 1275 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 1276 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
- 1277 vehicle.
- 1278 [~~52~~] (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
- 1279 other device operated, alone or coupled with another device, on stationary rails.
- 1280 [~~53~~] (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
- 1281 occupied or not.
- 1282 (b) "Park" or "parking" does not include:
- 1283 (i) the standing of a vehicle temporarily for the purpose of and while actually
- 1284 engaged in loading or unloading property or passengers; or
- 1285 (ii) a motor vehicle with an engaged automated driving system that has achieved a
- 1286 minimal risk condition, as those terms are defined in Section 41-26-102.1.

- 1287 [~~54~~] (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
1288 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
1289 violations of traffic laws.
- 1290 [~~55~~] (56) "Pedestrian" means a person traveling:
1291 (a) on foot; or
1292 (b) in a wheelchair.
- 1293 [~~56~~] (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
1294 pedestrians.
- 1295 [~~57~~] (58) "Person" means a natural person, firm, copartnership, association, corporation,
1296 business trust, estate, trust, partnership, limited liability company, association, joint
1297 venture, governmental agency, public corporation, or any other legal or commercial
1298 entity.
- 1299 [~~58~~] (59) "Pole trailer" means a vehicle without motive power:
1300 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
1301 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
1302 and
1303 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
1304 pipes, or structural members generally capable of sustaining themselves as beams
1305 between the supporting connections.
- 1306 [~~59~~] (60) "Private road or driveway" means every way or place in private ownership and
1307 used for vehicular travel by the owner and those having express or implied permission
1308 from the owner, but not by other persons.
- 1309 [~~60~~] (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with
1310 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
1311 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
1312 electric assisted bicycle fully conforms with the respective requirements of each class of
1313 electric assisted bicycle when operated in that mode.
- 1314 [~~61~~] (62) "Railroad" means a carrier of persons or property upon cars operated on
1315 stationary rails.
- 1316 [~~62~~] (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
1317 public body or official or by a railroad and intended to give notice of the presence of
1318 railroad tracks or the approach of a railroad train.
- 1319 [~~63~~] (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
1320 with or operated without cars, and operated upon rails.

- 1321 [(64)] (65) "Restored-modified vehicle" means the same as the term defined in Section
1322 41-1a-102.
- 1323 [(65)] (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
1324 lawful manner in preference to another vehicle or pedestrian approaching under
1325 circumstances of direction, speed, and proximity that give rise to danger of collision
1326 unless one grants precedence to the other.
- 1327 [(66)] (67)(a) "Roadway" means that portion of highway improved, designed, or
1328 ordinarily used for vehicular travel.
- 1329 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
1330 them are used by persons riding bicycles or other human-powered vehicles.
- 1331 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
1332 highway includes two or more separate roadways.
- 1333 [(67)] (68) "Safety zone" means the area or space officially set apart within a roadway for
1334 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
1335 signs as to be plainly visible at all times while set apart as a safety zone.
- 1336 [(68)] (69)(a) "School bus" means a motor vehicle that:
- 1337 (i) complies with the color and identification requirements of the most recent edition
1338 of "Minimum Standards for School Buses"; and
- 1339 (ii) is used to transport school children to or from school or school activities.
- 1340 (b) "School bus" does not include a vehicle operated by a common carrier in
1341 transportation of school children to or from school or school activities.
- 1342 [(69)] (70)(a) "Semitrailer" means a vehicle with or without motive power:
- 1343 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
1344 and
- 1345 (ii) constructed so that some part of its weight and that of its load rests on or is
1346 carried by another vehicle.
- 1347 (b) "Semitrailer" does not include a pole trailer.
- 1348 [(70)] (71) "Shoulder area" means:
- 1349 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
1350 edge line as established in the current approved "Manual on Uniform Traffic Control
1351 Devices"; or
- 1352 (b) that portion of the road contiguous to the roadway for accommodation of stopped
1353 vehicles, for emergency use, and for lateral support.
- 1354 [(71)] (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral

1355 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
1356 ~~[(72)]~~ (73)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
1357 that is designated for the use of a bicycle.
1358 (b) "Soft-surface trail" does not mean a trail:
1359 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
1360 federal law, regulation, or rule; or
1361 (ii) located in whole or in part on land granted to the state or a political subdivision
1362 subject to a conservation easement that prohibits the use of a motorized vehicle.
1363 ~~[(73)]~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not
1364 depend on compressed air for the support of the load.
1365 ~~[(74)]~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether
1366 occupied or not, for the purpose of and while actually engaged in receiving or
1367 discharging passengers.
1368 ~~[(75)]~~ (76) "Stop" when required means complete cessation from movement.
1369 ~~[(76)]~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a
1370 vehicle, whether occupied or not, except when:
1371 (a) necessary to avoid conflict with other traffic; or
1372 (b) in compliance with the directions of a peace officer or traffic-control device.
1373 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
1374 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
1375 the requirements of Section 41-6a-1509 to operate on highways in the state in
1376 accordance with Section 41-6a-1509.
1377 ~~[(78)]~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
1378 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
1379 operate on highways in the state in accordance with ~~[with]~~Section 41-6a-1509.
1380 ~~[(79)]~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
1381 ~~[(80)]~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section
1382 72-9-102.
1383 ~~[(81)]~~ (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
1384 conveyances either singly or together while using any highway for the purpose of travel.
1385 ~~[(82)]~~ (83) "Traffic signal preemption device" means an instrument or mechanism designed,
1386 intended, or used to interfere with the operation or cycle of a traffic-control signal.
1387 ~~[(83)]~~ (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
1388 with this chapter placed or erected by a highway authority for the purpose of regulating,

1389 warning, or guiding traffic.

1390 [(84)] (85) "Traffic-control signal" means a device, whether manually, electrically, or
1391 mechanically operated, by which traffic is alternately directed to stop and permitted to
1392 proceed.

1393 [(85)] (86)(a) "Trailer" means a vehicle with or without motive power designed for
1394 carrying persons or property and for being drawn by a motor vehicle and constructed
1395 so that no part of its weight rests upon the towing vehicle.

1396 (b) "Trailer" does not include a pole trailer.

1397 [(86)] (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the
1398 transportation of property.

1399 [(87)] (88) "Truck tractor" means a motor vehicle:

1400 (a) designed and used primarily for drawing other vehicles; and

1401 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
1402 tractor.

1403 [(88)] (89) "Two-way left turn lane" means a lane:

1404 (a) provided for vehicle operators making left turns in either direction;

1405 (b) that is not used for passing, overtaking, or through travel; and

1406 (c) that has been indicated by a lane traffic-control device that may include lane
1407 markings.

1408 [(89)] (90) "Urban district" means the territory contiguous to and including any street, in
1409 which structures devoted to business, industry, or dwelling houses are situated at
1410 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

1411 [(90)] (91) "Vehicle" means a device in, on, or by which a person or property is or may be
1412 transported or drawn on a highway, except a mobile carrier, as defined in Section
1413 41-6a-1120, or a device used exclusively on stationary rails or tracks.

1414 Section 7. Section **41-6a-505** is amended to read:

1415 **41-6a-505 . Sentencing requirements for driving under the influence of alcohol,**
1416 **drugs, or a combination of both violations.**

1417 (1) As part of any sentence for a first conviction of extreme DUI:

1418 (a) the court shall:

1419 (i)(A) impose a jail sentence of not less than five days; or

1420 (B) impose a jail sentence of not less than two days in addition to home

1421 confinement of not fewer than 30 consecutive days through the use of

1422 electronic monitoring that includes a substance abuse testing instrument in

- 1423 accordance with Section 41-6a-506;
- 1424 (ii) order the individual to participate in a screening;
- 1425 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 1426 screening under Subsection (1)(a)(ii);
- 1427 (iv) order the individual to participate in an educational series if the court does not
- 1428 order substance abuse treatment as described under Subsection (1)(b);
- 1429 (v) impose a fine of not less than \$700;
- 1430 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 1431 (vii)(A) order the individual to pay the administrative impound fee described in
- 1432 Section 41-6a-1406; or
- 1433 (B) if the administrative impound fee was paid by a party described in Subsection
- 1434 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 1435 sentenced to reimburse the party;
- 1436 (viii)(A) order the individual to pay the towing and storage fees described in
- 1437 Section 72-9-603; or
- 1438 (B) if the towing and storage fees were paid by a party described in Subsection
- 1439 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 1440 sentenced to reimburse the party; [or]
- 1441 (ix) unless the court determines and states on the record that an ignition interlock
- 1442 system is not necessary for the safety of the community and in the best interest of
- 1443 justice, order the installation of an ignition interlock system as described in
- 1444 Section 41-6a-518; and
- 1445 (x) designate the individual as an interdicted person for a period of time not to exceed
- 1446 the probationary period, unless the court finds good cause to order a shorter or
- 1447 longer time, and require the individual to surrender the individual's driver license
- 1448 or identification card; and
- 1449 (b) the court may:
- 1450 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 1451 treatment program determines that substance abuse treatment is appropriate;
- 1452 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 1453 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 1454 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 1455 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
- 1456 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence

- 1457 imposed under Subsection (1)(a).
- 1458 (b) If an individual described in Subsection (1) fails to successfully complete all of the
1459 requirements of the 24-7 sobriety program, the court shall impose the suspended jail
1460 sentence described in Subsection (2)(a).
- 1461 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
1462 Subsection (1):
- 1463 (a) the court shall:
- 1464 (i)(A) impose a jail sentence of not less than two days; or
1465 (B) require the individual to work in a compensatory-service work program for
1466 not less than 48 hours;
- 1467 (ii) order the individual to participate in a screening;
- 1468 (iii) order the individual to participate in an assessment, if it is found appropriate by a
1469 screening under Subsection (3)(a)(ii);
- 1470 (iv) order the individual to participate in an educational series if the court does not
1471 order substance abuse treatment as described under Subsection (3)(b);
- 1472 (v) impose a fine of not less than \$700;
- 1473 (vi)(A) order the individual to pay the administrative impound fee described in
1474 Section 41-6a-1406; or
1475 (B) if the administrative impound fee was paid by a party described in Subsection
1476 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1477 sentenced to reimburse the party; ~~and~~ and
- 1478 (vii)(A) order the individual to pay the towing and storage fees described in
1479 Section 72-9-603; or
1480 (B) if the towing and storage fees were paid by a party described in Subsection
1481 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1482 sentenced to reimburse the party; and
- 1483 (b) the court may:
- 1484 (i) order the individual to obtain substance abuse treatment if the substance abuse
1485 treatment program determines that substance abuse treatment is appropriate;
- 1486 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 1487 (iii) order the individual to participate in a 24-7 sobriety program as defined in
1488 Section 41-6a-515.5 if the individual is 21 years old or older;~~and~~
- 1489 (iv) order a combination of Subsections (3)(b)(i) through (iii)~~;~~ ; or
- 1490 (v) designate the individual as an interdicted person for a period of time not to exceed

1491 the probationary period, unless the court finds good cause to order a shorter or
1492 longer time, and require the individual to surrender the individual's driver license
1493 or identification card.

1494 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
1495 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
1496 imposed under Subsection (3)(a).

1497 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
1498 the requirements of the 24-7 sobriety program, the court shall impose the suspended
1499 jail sentence described in Subsection (4)(a).

1500 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
1501 years of the current conviction under Section 41-6a-502 or the commission of the
1502 offense upon which the current conviction amounts to extreme DUI:

1503 (a) the court shall:

1504 (i)(A) impose a jail sentence of not less than 20 days;

1505 (B) impose a jail sentence of not less than 10 days in addition to home
1506 confinement of not fewer than 60 consecutive days through the use of
1507 electronic monitoring that includes a substance abuse testing instrument in
1508 accordance with Section 41-6a-506; or

1509 (C) impose a jail sentence of not less than 10 days in addition to ordering the
1510 individual to obtain substance abuse treatment, if the court finds that substance
1511 abuse treatment is more likely to reduce recidivism and is in the interests of
1512 public safety;

1513 (ii) order the individual to participate in a screening;

1514 (iii) order the individual to participate in an assessment, if it is found appropriate by a
1515 screening under Subsection (5)(a)(ii);

1516 (iv) order the individual to participate in an educational series if the court does not
1517 order substance abuse treatment as described under Subsection (5)(b);

1518 (v) impose a fine of not less than \$800;

1519 (vi) order probation for the individual in accordance with Section 41-6a-507;

1520 (vii) order the installation of an ignition interlock system as described in Section
1521 41-6a-518;

1522 (viii)(A) order the individual to pay the administrative impound fee described in
1523 Section 41-6a-1406; or

1524 (B) if the administrative impound fee was paid by a party described in Subsection

- 1525 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1526 sentenced to reimburse the party; [øø]
- 1527 (ix)(A) order the individual to pay the towing and storage fees described in
1528 Section 72-9-603; or
- 1529 (B) if the towing and storage fees were paid by a party described in Subsection
1530 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1531 sentenced to reimburse the party; and
- 1532 (x) designate the individual as an interdicted person for a period of time not to exceed
1533 the probationary period, unless the court finds good cause to order a shorter or
1534 longer time, and require the individual to surrender the individual's driver license
1535 or identification card; and
- 1536 (b) the court may:
- 1537 (i) order the individual to obtain substance abuse treatment if the substance abuse
1538 treatment program determines that substance abuse treatment is appropriate;
- 1539 (ii) order the individual to participate in a 24-7 sobriety program as defined in
1540 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 1541 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 1542 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
1543 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
1544 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 1545 (i) five days of the jail sentence for a second offense; or
- 1546 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 1547 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
1548 the requirements of the 24-7 sobriety program, the court shall impose the suspended
1549 jail sentence described in Subsection (6)(a).
- 1550 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
1551 years of the current conviction under Section 41-6a-502 or the commission of the
1552 offense upon which the current conviction is based and that does not qualify under
1553 Subsection (5):
- 1554 (a) the court shall:
- 1555 (i)(A) impose a jail sentence of not less than 10 days; or
- 1556 (B) impose a jail sentence of not less than 5 days in addition to home confinement
1557 of not fewer than 30 consecutive days through the use of electronic monitoring
1558 that includes a substance abuse testing instrument in accordance with Section

- 1559 41-6a-506;
- 1560 (ii) order the individual to participate in a screening;
- 1561 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 1562 screening under Subsection (7)(a)(ii);
- 1563 (iv) order the individual to participate in an educational series if the court does not
- 1564 order substance abuse treatment as described under Subsection (7)(b);
- 1565 (v) impose a fine of not less than \$800;
- 1566 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 1567 (vii)(A) order the individual to pay the administrative impound fee described in
- 1568 Section 41-6a-1406; or
- 1569 (B) if the administrative impound fee was paid by a party described in Subsection
- 1570 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 1571 sentenced to reimburse the party; ~~[or]~~ and
- 1572 (viii)(A) order the individual to pay the towing and storage fees described in
- 1573 Section 72-9-603; or
- 1574 (B) if the towing and storage fees were paid by a party described in Subsection
- 1575 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 1576 sentenced to reimburse the party; and
- 1577 (b) the court may:
- 1578 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 1579 treatment program determines that substance abuse treatment is appropriate;
- 1580 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 1581 Section 41-6a-515.5 if the individual is 21 years old or older; ~~[or]~~
- 1582 (iii) order a combination of Subsections (7)(b)(i) and (ii) ~~[; or]~~ ; or
- 1583 (iv) designate the individual as an interdicted person for a period of time not to
- 1584 exceed the probationary period, unless the court finds good cause to order a
- 1585 shorter or longer time, and require the individual to surrender the individual's
- 1586 driver license or identification card.
- 1587 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
- 1588 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 1589 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 1590 (i) five days of the jail sentence for a second offense; or
- 1591 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 1592 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of

- 1593 the requirements of the 24-7 sobriety program, the court shall impose the suspended
1594 jail sentence described in Subsection (8)(a).
- 1595 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
1596 sentence and places the defendant on probation for a conviction of extreme DUI, the
1597 court shall~~impose~~:
- 1598 (a) impose a fine of not less than \$1,500;
- 1599 (b) impose a jail sentence of not less than 120 days;
- 1600 (c) order home confinement of not fewer than 120 consecutive days through the use of
1601 electronic monitoring that includes a substance abuse testing instrument in
1602 accordance with Section 41-6a-506; ~~and~~
- 1603 (d) order supervised probation~~[-]~~ ; and
- 1604 (e) designate the individual as an interdicted person for a period of time not to exceed
1605 the probationary period, unless the court finds good cause to order a shorter or longer
1606 time, and require the individual to surrender the individual's driver license or
1607 identification card.
- 1608 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 1609 (i) shall impose an order requiring the individual to obtain a screening and
1610 assessment for alcohol and substance abuse, and treatment as appropriate; and
- 1611 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
1612 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
1613 older.
- 1614 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
1615 of the requirements of the 24-7 sobriety program, the court shall impose the
1616 suspended prison sentence described in Subsection (9).
- 1617 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
1618 sentence and places the defendant on probation with a sentence not described in
1619 Subsection (9), the court shall impose:
- 1620 (a) a fine of not less than \$1,500;
- 1621 (b) a jail sentence of not less than 60 days;
- 1622 (c) home confinement of not fewer than 60 consecutive days through the use of
1623 electronic monitoring that includes a substance abuse testing instrument in
1624 accordance with Section 41-6a-506; and
- 1625 (d) supervised probation.
- 1626 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the

- 1627 requirements of this section.
- 1628 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 1629 (b) A court, with stipulation of both parties and approval from the judge, may convert a
- 1630 jail sentence required in this section to electronic home confinement.
- 1631 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
- 1632 under this section to be served in multiple two-day increments at weekly intervals if
- 1633 the court determines that separate jail increments are necessary to ensure the
- 1634 defendant can serve the statutorily required jail term and maintain employment.
- 1635 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
- 1636 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
- 1637 court shall order the following, or describe on record why the order or orders are not
- 1638 appropriate:
- 1639 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 1640 (b) one or more of the following:
- 1641 (i) the installation of an ignition interlock system as a condition of probation for the
- 1642 individual in accordance with Section 41-6a-518;
- 1643 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
- 1644 device or remote alcohol monitor as a condition of probation for the individual; or
- 1645 (iii) the imposition of home confinement through the use of electronic monitoring in
- 1646 accordance with Section 41-6a-506.
- 1647 Section 8. Section **41-6a-509** is amended to read:
- 1648 **41-6a-509 . Driver license suspension or revocation for a driving under the**
- 1649 **influence violation.**
- 1650 (1)(a) The Driver License Division shall, if the person is 21 years old or older at the time
- 1651 of arrest:
- 1652 (i) suspend for a period of 120 days the operator's license of a person convicted for
- 1653 the first time under Section 41-6a-502 or 76-5-102.1; or
- 1654 (ii) revoke for a period of two years the license of a person if:
- 1655 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 1656 and
- 1657 (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
- 1658 committed within a period of 10 years from the date of the prior violation.
- 1659 (b)(i) If a person elects to become an interlock restricted driver under Subsection
- 1660 53-3-223(10)(a), the Driver License Division may not suspend the operator's

- 1661 license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i)
1662 unless the person fails to complete 120 days of the interlock restriction.
- 1663 (ii) If a person elects to become an interlock restricted driver under Subsection
1664 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock
1665 restriction, the Driver License Division:
1666 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
1667 period of 120 days from the date the ignition interlock system was removed
1668 from the vehicle; and
1669 (B) may not reduce the 120-day suspension for any days the person was compliant
1670 with the interlock restriction under Subsection 53-3-223(10)(a).
- 1671 (c)(i) If a person elects to become an interlock restricted driver under Subsection
1672 41-6a-521(7), the Driver License Division may not suspend the operator's license
1673 for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the
1674 person fails to complete three years of the interlock restriction under Subsection
1675 41-6a-521(7).
- 1676 (ii) If a person elects to become an interlock restricted driver under Subsection
1677 41-6a-521(7), and the person fails to complete the full three years of interlock
1678 restriction, the Driver License Division:
1679 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
1680 period of 120 days from the date the ignition interlock system was removed
1681 from the vehicle; and
1682 (B) may not reduce the 120-day suspension for any days the person was compliant
1683 with the interlock restriction under Subsection 41-6a-521(7).
- 1684 (2) The Driver License Division shall, if the person is 19 years old or older but under 21
1685 years old at the time of arrest:
1686 (a) suspend the person's driver license until the person is 21 years old or for a period of
1687 one year, whichever is longer, if the person is convicted for the first time of a
1688 violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was
1689 committed on or after July 1, 2011;
1690 (b) deny the person's application for a license or learner's permit until the person is 21
1691 years old or for a period of one year, whichever is longer, if the person:
1692 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
1693 or 76-5-207 of an offense committed on or after July 1, 2011; and
1694 (ii) has not been issued an operator license;

- 1695 (c) revoke the person's driver license until the person is 21 years old or for a period of
1696 two years, whichever is longer, if:
- 1697 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
1698 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1699 committed within a period of 10 years from the date of the prior violation; or
- 1700 (d) deny the person's application for a license or learner's permit until the person is 21
1701 years old or for a period of two years, whichever is longer, if:
- 1702 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
1703 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1704 committed within a period of 10 years from the date of the prior violation; and
1705 (iii) the person has not been issued an operator license.
- 1706 (3) The Driver License Division shall, if the person is under 19 years old at the time of
1707 arrest:
- 1708 (a) suspend the person's driver license until the person is 21 years old if the person is
1709 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
1710 76-5-207;
- 1711 (b) deny the person's application for a license or learner's permit until the person is 21
1712 years old if the person:
- 1713 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
1714 or 76-5-207; and
1715 (ii) has not been issued an operator license;
- 1716 (c) revoke the person's driver license until the person is 21 years old if:
- 1717 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
1718 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1719 committed within a period of 10 years from the date of the prior violation; or
- 1720 (d) deny the person's application for a license or learner's permit until the person is 21
1721 years old if:
- 1722 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
1723 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1724 committed within a period of 10 years from the date of the prior violation; and
1725 (iii) the person has not been issued an operator license.
- 1726 (4) The Driver License Division shall suspend or revoke the license of a person as ordered
1727 by the court under Subsection (9).
- 1728 (5) The Driver License Division shall subtract from any suspension or revocation period the

- 1729 number of days for which a license was previously suspended under Section 53-3-223 or
1730 53-3-231, if the previous suspension was based on the same occurrence upon which the
1731 record of conviction is based.
- 1732 (6) If a conviction recorded as impaired driving is amended to a driving under the influence
1733 conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
1734 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
- 1735 (a) may not subtract from any suspension or revocation any time for which a license was
1736 previously suspended or revoked under Section 53-3-223 or 53-3-231; and
1737 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
1738 amended conviction.
- 1739 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or
1740 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License
1741 Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or
1742 Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
- 1743 (a) completes at least six months of the license suspension;
1744 (b) completes a screening;
1745 (c) completes an assessment, if it is found appropriate by a screening under Subsection
1746 (7)(b);
1747 (d) completes substance abuse treatment if it is found appropriate by the assessment
1748 under Subsection (7)(c);
1749 (e) completes an educational series if substance abuse treatment is not required by an
1750 assessment under Subsection (7)(c) or the court does not order substance abuse
1751 treatment;
1752 (f) has not been convicted of a violation of any motor vehicle law in which the person
1753 was involved as the operator of the vehicle during the suspension period imposed
1754 under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
1755 (g) has complied with all the terms of the person's probation or all orders of the court if
1756 not ordered to probation; and
1757 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
1758 person has not unlawfully consumed alcohol during the suspension period
1759 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
1760 (ii) is under 18 years old and has the person's parent or legal guardian provide an
1761 affidavit or sworn statement to the court certifying that to the parent or legal
1762 guardian's knowledge the person has not unlawfully consumed alcohol during the

1763 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or
1764 (b).

1765 (8) If the court shortens a person's license suspension period in accordance with the
1766 requirements of Subsection (7), the court shall forward the order shortening the person's
1767 suspension period to the Driver License Division in a manner specified by the division
1768 prior to the completion of the suspension period imposed under Subsection (2)(a) or (b)
1769 or Subsection (3)(a) or (b).

1770 (9)(a)(i) In addition to any other penalties provided in this section, a court may order
1771 the operator's license of a person who is convicted of a violation of Section
1772 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional
1773 period of 90 days, 120 days, 180 days, one year, or two years to remove from the
1774 highways those persons who have shown they are safety hazards.

1775 (ii) The additional suspension or revocation period provided in this Subsection (9)
1776 shall begin the date on which the individual would be eligible to reinstate the
1777 individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or
1778 76-5-207.

1779 (b) If the court suspends or revokes the person's license under this Subsection (9), the
1780 court shall prepare and send to the Driver License Division an order to suspend or
1781 revoke that person's driving privileges for a specified period of time.

1782 (10)(a) The court shall notify the Driver License Division if a person fails to complete
1783 all court ordered:

1784 (i) screenings;

1785 (ii) assessments;

1786 (iii) educational series;

1787 (iv) substance abuse treatment; and

1788 (v) hours of work in a compensatory-service work program.

1789 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in
1790 Subsection (10)(a), the division shall suspend the person's driving privilege in
1791 accordance with Subsection 53-3-221(2).

1792 (11)(a) A court that reported a conviction of a violation of Section 41-6a-502 to the
1793 Driver License Division may shorten the suspension or revocation period imposed
1794 under Subsection (1) before completion of the suspension or revocation period if the
1795 person:

1796 (i) is participating in or has successfully completed a 24-7 sobriety program as

- 1797 defined in Section 41-6a-515.5;
- 1798 (ii)(A) is participating in or has successfully completed a problem solving court
1799 program approved by the Judicial Council, including a driving under the
1800 influence court program or a drug court program; and
- 1801 (B) has elected to become an interlock restricted driver as a condition of probation
1802 during the remainder of the person's suspension or revocation period in
1803 accordance with Section 41-6a-518; or
- 1804 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court
1805 does not have a problem solving court program approved by the Judicial Council
1806 or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the
1807 person:
- 1808 (A) has installed an ignition interlock device in any vehicle owned or driven by
1809 the person in accordance with Section 53-3-1007; and
- 1810 (B) did not inflict bodily injury upon another as a proximate result of having
1811 operated the vehicle in a negligent manner.
- 1812 (b) If a court shortens a person's license suspension or revocation period in accordance
1813 with the requirements of this Subsection (11), the court shall forward the order
1814 shortening the person's suspension or revocation period to the Driver License
1815 Division in a manner specified by the division.
- 1816 (c) The court shall notify the Driver License Division, in a manner specified by the
1817 Driver License Division, if a person fails to complete or comply with a condition that
1818 allowed the court to shorten the person's license suspension or revocation period
1819 under Subsection (11)(a).
- 1820 (d)(i)(A) Upon receiving the notification described in Subsection (11)(c), for a
1821 first offense, the division shall suspend the person's driving privilege for a
1822 period of 120 days from the date of notice.
- 1823 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be
1824 subtracted from the 120-day suspension period for which a driving privilege
1825 was previously suspended under this section or Section 53-3-223, if the
1826 previous suspension was based on the same occurrence upon which the
1827 conviction under Section 41-6a-502 is based.
- 1828 (ii)(A) Upon receiving the notification described in Subsection (11)(c), for a
1829 second or subsequent offense, the division shall revoke the person's driving
1830 privilege for a period of two years from the date of notice.

1831 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall
1832 be subtracted from the two-year revocation period for which a driving privilege
1833 was previously revoked under this section or Section 53-3-223, if the previous
1834 revocation was based on the same occurrence upon which the conviction under
1835 Section 41-6a-502 is based.

1836 (12) If a court designates a person as an interdicted person as provided in Section
1837 41-6a-505, the court shall:

- 1838 (a) require the person to surrender the person's identification card or driver license;
1839 (b) notify the Driver License Division that the person is an interdicted person; and
1840 (c) provide the person's identification card or driver license to the Driver License
1841 Division.

1842 Section 9. Section **53-3-102** is amended to read:

1843 **53-3-102 . Definitions.**

1844 As used in this chapter:

1845 (1) "Autocycle" means a motor vehicle that:

- 1846 (a) is designed to travel with three or fewer wheels in contact with the ground; and
1847 (b) is equipped with:
1848 (i) a steering mechanism;
1849 (ii) seat belts; and
1850 (iii) seating that does not require the operator to straddle or sit astride the motor
1851 vehicle.

1852 (2) "Cancellation" means the termination by the division of a license issued through error or
1853 fraud or for which consent under Section 53-3-211 has been withdrawn.

1854 (3) "Class D license" means the class of license issued to drive motor vehicles not defined
1855 as commercial motor vehicles or motorcycles under this chapter.

1856 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

- 1857 (a) issued under Section 53-3-408; or
1858 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
1859 contained in 49 C.F.R. Part 383.

1860 (5) "Commercial driver license" or "CDL" means a license:

- 1861 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,
1862 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
1863 Uniform Commercial Driver License Act, which authorizes the holder to drive a class
1864 of commercial motor vehicle; and

1865 (b) that was obtained by providing evidence of lawful presence in the United States with
1866 one of the document requirements described in Subsection 53-3-410(1)(i)(i).

1867 (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
1868 driving record that:

1869 (i) applies to a person who holds or is required to hold a commercial driver
1870 instruction permit or a CDL license; and

1871 (ii) contains the following:

1872 (A) information contained in the driver history, including convictions, pleas held
1873 in abeyance, disqualifications, and other licensing actions for violations of any
1874 state or local law relating to motor vehicle traffic control, committed in any
1875 type of vehicle;

1876 (B) driver self-certification status information under Section 53-3-410.1; and

1877 (C) information from medical certification record keeping in accordance with 49
1878 C.F.R. Sec. 383.73(o).

1879 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
1880 motor vehicle record described in Subsection [~~(30)~~] (32).

1881 (7)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor
1882 vehicles designed or used to transport passengers or property if the motor vehicle:

1883 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more
1884 pounds, or gross combination weight rating or gross combination weight of
1885 26,001 or more pounds or a lesser rating as determined by federal regulation;

1886 (ii) is designed to transport 16 or more passengers, including the driver; or

1887 (iii) is transporting hazardous materials and is required to be placarded in accordance
1888 with 49 C.F.R. Part 172, Subpart F.

1889 (b) The following vehicles are not considered a commercial motor vehicle for purposes
1890 of Part 4, Uniform Commercial Driver License Act:

1891 (i) equipment owned and operated by the United States Department of Defense when
1892 driven by any active duty military personnel and members of the reserves and
1893 national guard on active duty including personnel on full-time national guard duty,
1894 personnel on part-time training, and national guard military technicians and
1895 civilians who are required to wear military uniforms and are subject to the code of
1896 military justice;

1897 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
1898 machinery, or farm supplies to or from a farm within 150 miles of his farm but not

- 1899 in operation as a motor carrier for hire;
- 1900 (iii) firefighting and emergency vehicles;
- 1901 (iv) recreational vehicles that are not used in commerce and are driven solely as
- 1902 family or personal conveyances for recreational purposes; and
- 1903 (v) vehicles used to provide transportation network services, as defined in Section
- 1904 13-51-102.
- 1905 (8) "Conviction" means any of the following:
- 1906 (a) an unvacated adjudication of guilt or a determination that a person has violated or
- 1907 failed to comply with the law in a court of original jurisdiction or an administrative
- 1908 proceeding;
- 1909 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance
- 1910 in court;
- 1911 (c) a plea of guilty or nolo contendere accepted by the court;
- 1912 (d) the payment of a fine or court costs; or
- 1913 (e) violation of a condition of release without bail, regardless of whether the penalty is
- 1914 rebated, suspended, or probated.
- 1915 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
- 1916 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's
- 1917 Security, do not apply.
- 1918 (10) "Director" means the division director appointed under Section 53-3-103.
- 1919 (11) "Disqualification" means either:
- 1920 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of
- 1921 a person's privileges to drive a commercial motor vehicle;
- 1922 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
- 1923 that a person is no longer qualified to drive a commercial motor vehicle under 49
- 1924 C.F.R. Part 391; or
- 1925 (c) the loss of qualification that automatically follows conviction of an offense listed in
- 1926 49 C.F.R. Part 383.51.
- 1927 (12) "Division" means the Driver License Division of the department created in Section
- 1928 53-3-103.
- 1929 (13) "Downgrade" means to obtain a lower license class than what was originally issued
- 1930 during an existing license cycle.
- 1931 (14) "Drive" means:
- 1932 (a) to operate or be in physical control of a motor vehicle upon a highway; and

- 1933 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
1934 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any
1935 place within the state.
- 1936 (15)(a) "Driver" means an individual who drives, or is in actual physical control of a
1937 motor vehicle in any location open to the general public for purposes of vehicular
1938 traffic.
- 1939 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
1940 who is required to hold a CDL under Part 4, Uniform Commercial Driver License
1941 Act, or federal law.
- 1942 (16) "Driving privilege card" means the evidence of the privilege granted and issued under
1943 this chapter to drive a motor vehicle to a person whose privilege was obtained without
1944 providing evidence of lawful presence in the United States.
- 1945 (17) "Electronic license certificate" means the evidence, in an electronic format as
1946 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
1947 vehicle.
- 1948 (18) "Extension" means a renewal completed in a manner specified by the division.
- 1949 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
1950 implement for drawing plows, mowing machines, and other implements of husbandry.
- 1951 (20) "Highway" means the entire width between property lines of every way or place of any
1952 nature when any part of it is open to the use of the public, as a matter of right, for traffic.
- 1953 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 1954 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to a
1955 person for identification purposes.
- 1956 (23) "Indigent" means that a person's income falls below the federal poverty guideline
1957 issued annually by the United States Department of Health and Human Services in the
1958 Federal Register.
- 1959 (24) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 1960 (25) "Interdicted person identifier" means language and other security features on a license
1961 certificate or identification card indicating that the person is an interdicted person, which
1962 features include:
- 1963 (a) the language "No Alcohol Sale"; and
- 1964 (b) other security features identifying the individual as being restricted from purchasing
1965 alcohol, including a prominent red stripe on the front of the license or identification
1966 card.

- 1967 ~~[(24)]~~ (26) "License" means the privilege to drive a motor vehicle.
- 1968 ~~[(25)]~~ (27)(a) "License certificate" means the evidence of the privilege issued under this
- 1969 chapter to drive a motor vehicle.
- 1970 (b) "License certificate" evidence includes:
- 1971 (i) a regular license certificate;
- 1972 (ii) a limited-term license certificate;
- 1973 (iii) a driving privilege card;
- 1974 (iv) a CDL license certificate;
- 1975 (v) a limited-term CDL license certificate;
- 1976 (vi) a temporary regular license certificate;
- 1977 (vii) a temporary limited-term license certificate; and
- 1978 (viii) an electronic license certificate created in Section 53-3-235.
- 1979 ~~[(26)]~~ (28) "Limited-term commercial driver license" or "limited-term CDL" means a
- 1980 license:
- 1981 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
- 1982 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with
- 1983 Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive
- 1984 a class of commercial motor vehicle; and
- 1985 (b) that was obtained by providing evidence of lawful presence in the United States with
- 1986 one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
- 1987 ~~[(27)]~~ (29) "Limited-term identification card" means an identification card issued under this
- 1988 chapter to a person whose card was obtained by providing evidence of lawful presence
- 1989 in the United States with one of the document requirements described in Subsection
- 1990 53-3-804(2)(i)(ii).
- 1991 ~~[(28)]~~ (30) "Limited-term license certificate" means the evidence of the privilege granted
- 1992 and issued under this chapter to drive a motor vehicle to a person whose privilege was
- 1993 obtained providing evidence of lawful presence in the United States with one of the
- 1994 document requirements described in Subsection 53-3-205(8)(a)(ii)(B).
- 1995 ~~[(29)]~~ (31) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 1996 ~~[(30)]~~ (32) "Motor vehicle record" or "MVR" means a driving record under Subsection
- 1997 53-3-109(7)(a).
- 1998 ~~[(31)]~~ (33) "Motorboat" means the same as that term is defined in Section 73-18-2.
- 1999 ~~[(32)]~~ (34) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
- 2000 saddle for the use of the rider and designed to travel with not more than three wheels in

- 2001 contact with the ground.
- 2002 [~~(33)~~] (35) "Office of Recovery Services" means the Office of Recovery Services, created in
2003 Section 26B-9-103.
- 2004 [~~(34)~~] (36) "Operate" means the same as that term is defined in Section 41-1a-102.
- 2005 [~~(35)~~] (37)(a) "Owner" means a person other than a lien holder having an interest in the
2006 property or title to a vehicle.
- 2007 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a
2008 security interest in another person but excludes a lessee under a lease not intended as
2009 security.
- 2010 [~~(36)~~] (38) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,
2011 or other financial penalty imposed on an individual by a court or other government
2012 entity.
- 2013 [~~(37)~~] (39)(a) "Private passenger carrier" means any motor vehicle for hire that is:
2014 (i) designed to transport 15 or fewer passengers, including the driver; and
2015 (ii) operated to transport an employee of the person that hires the motor vehicle.
- 2016 (b) "Private passenger carrier" does not include:
2017 (i) a taxicab;
2018 (ii) a motor vehicle driven by a transportation network driver as defined in Section
2019 13-51-102;
2020 (iii) a motor vehicle driven for transportation network services as defined in Section
2021 13-51-102; and
2022 (iv) a motor vehicle driven for a transportation network company as defined in
2023 Section 13-51-102 and registered with the Division of Consumer Protection as
2024 described in Section 13-51-104.
- 2025 [~~(38)~~] (40) "Regular identification card" means an identification card issued under this
2026 chapter to a person whose card was obtained by providing evidence of lawful presence
2027 in the United States with one of the document requirements described in Subsection
2028 53-3-804(2)(i)(i).
- 2029 [~~(39)~~] (41) "Regular license certificate" means the evidence of the privilege issued under
2030 this chapter to drive a motor vehicle whose privilege was obtained by providing
2031 evidence of lawful presence in the United States with one of the document requirements
2032 described in Subsection 53-3-205(8)(a)(ii)(A).
- 2033 [~~(40)~~] (42) "Renewal" means to validate a license certificate so that it expires at a later date.
- 2034 [~~(41)~~] (43) "Reportable violation" means an offense required to be reported to the division

2035 as determined by the division and includes those offenses against which points are
 2036 assessed under Section 53-3-221.

2037 [(42)] (44)(a) "Resident" means an individual who:

2038 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
 2039 regardless of domicile, remains in this state for an aggregate period of six months
 2040 or more during any calendar year;

2041 (ii) engages in a trade, profession, or occupation in this state, or who accepts
 2042 employment in other than seasonal work in this state, and who does not commute
 2043 into the state;

2044 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
 2045 license certificate or motor vehicle registration; or

2046 (iv) declares himself a resident of this state to obtain privileges not ordinarily
 2047 extended to nonresidents, including going to school, or placing children in school
 2048 without paying nonresident tuition or fees.

2049 (b) "Resident" does not include any of the following:

2050 (i) a member of the military, temporarily stationed in this state;

2051 (ii) an out-of-state student, as classified by an institution of higher education,
 2052 regardless of whether the student engages in any type of employment in this state;

2053 (iii) a person domiciled in another state or country, who is temporarily assigned in
 2054 this state, assigned by or representing an employer, religious or private
 2055 organization, or a governmental entity; or

2056 (iv) an immediate family member who resides with or a household member of a
 2057 person listed in Subsections [(42)(b)(i)] (44)(b)(i) through (iii).

2058 [(43)] (45) "Revocation" means the termination by action of the division of a licensee's
 2059 privilege to drive a motor vehicle.

2060 [(44)] (46)(a) "School bus" means a commercial motor vehicle used to transport
 2061 pre-primary, primary, or secondary school students to and from home and school, or
 2062 to and from school sponsored events.

2063 (b) "School bus" does not include a bus used as a common carrier as defined in Section
 2064 59-12-102.

2065 [(45)] (47) "Suspension" means the temporary withdrawal by action of the division of a
 2066 licensee's privilege to drive a motor vehicle.

2067 [(46)] (48) "Taxicab" means any class D motor vehicle transporting any number of
 2068 passengers for hire and that is subject to state or federal regulation as a taxi.

2069 Section 10. Section **53-3-104** is amended to read:

2070 **53-3-104 . Division duties.**

2071 The division shall:

2072 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make
2073 rules:

2074 (a) for examining applicants for a license, as necessary for the safety and welfare of the
2075 traveling public;

2076 (b) for acceptable documentation of an applicant's identity, Social Security number,
2077 Utah resident status, Utah residence address, proof of legal presence, proof of
2078 citizenship in the United States, honorable or general discharge from the United
2079 States military, and other proof or documentation required under this chapter;

2080 (c) for acceptable documentation to verify that an individual is homeless as verified by
2081 the Department of Workforce Services, for purposes of residency, address
2082 verification, and obtaining a fee waiver;

2083 (d) regarding the restrictions to be imposed on an individual driving a motor vehicle
2084 with a temporary learner permit or learner permit;

2085 (e) regarding the format and restrictions for an interdicted person identifier on a license
2086 certificate and identification card;

2087 [~~e~~] (f) for exemptions from licensing requirements as authorized in this chapter;

2088 [~~f~~] (g) establishing procedures for the storage and maintenance of applicant information
2089 provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and

2090 [~~g~~] (h) to provide educational information to each applicant for a license, which
2091 information shall be based on data provided by the Division of Air Quality, including:

2092 (i) ways drivers can improve air quality; and

2093 (ii) the harmful effects of vehicle emissions;

2094 (2) examine each applicant according to the class of license applied for;

2095 (3) license motor vehicle drivers;

2096 (4) file every application for a license received by the division and shall maintain indices
2097 containing:

2098 (a) all applications denied and the reason each was denied;

2099 (b) all applications granted; and

2100 (c) the name of every licensee whose license has been suspended, disqualified, or
2101 revoked by the division and the reasons for the action;

2102 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this

- 2103 chapter;
- 2104 (6) file all accident reports and abstracts of court records of convictions received by the
2105 division under state law;
- 2106 (7) maintain a record of each licensee showing the licensee's convictions and the traffic
2107 accidents in which the licensee has been involved where a conviction has resulted;
- 2108 (8) consider the record of a licensee upon an application for renewal of a license and at
2109 other appropriate times;
- 2110 (9) search the license files, compile, and furnish a report on the driving record of any
2111 individual licensed in the state in accordance with Section 53-3-109;
- 2112 (10) develop and implement a record system as required by Section 41-6a-604;
- 2113 (11) in accordance with Section 53G-10-507, establish:
- 2114 (a) procedures and standards to certify teachers of driver education classes to administer
2115 knowledge and skills tests;
- 2116 (b) minimal standards for the tests; and
- 2117 (c) procedures to enable school districts to administer or process any tests for students to
2118 receive a class D operator's license;
- 2119 (12) in accordance with Section 53-3-510, establish:
- 2120 (a) procedures and standards to certify licensed instructors of commercial driver training
2121 school courses to administer the skills test;
- 2122 (b) minimal standards for the test; and
- 2123 (c) procedures to enable licensed commercial driver training schools to administer or
2124 process skills tests for students to receive a class D operator's license;
- 2125 (13) provide administrative support to the Driver License Medical Advisory Board created
2126 in Section 53-3-303;
- 2127 (14) upon request by the lieutenant governor, provide the lieutenant governor with a digital
2128 copy of the driver license or identification card signature of an individual who is an
2129 applicant for voter registration under Section 20A-2-206;
- 2130 (15) in accordance with Section 53-3-407.1, establish:
- 2131 (a) procedures and standards to license a commercial driver license third party tester or
2132 commercial driver license third party examiner to administer the commercial driver
2133 license skills tests;
- 2134 (b) minimum standards for the commercial driver license skills test; and
- 2135 (c) procedures to enable a licensed commercial driver license third party tester or
2136 commercial driver license third party examiner to administer a commercial driver

2137 license skills test for an applicant to receive a commercial driver license;[~~and~~
 2138 (16) receive from the Department of Health and Human Services a result from a blood or
 2139 urine test of an individual arrested for driving under the influence and use the blood or
 2140 urine test result in an administrative hearing or agency review involving the individual
 2141 who is the subject of the blood or urine test as described in Section 53-3-111[-] ; and
 2142 (17) as soon as practicable, ensure that a license and identification card includes the ability
 2143 to provide information about restrictions on the license or identification card through an
 2144 electronic scan.

2145 Section 11. Section **53-3-105** is amended to read:

2146 **53-3-105 . Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
 2147 **and identification cards.**

2148 Except as provided in Subsection (39), the following fees apply under this chapter:

- 2149 (1) An original class D license application under Section 53-3-205 is \$52.
 2150 (2) An original provisional license application for a class D license under Section 53-3-205
 2151 is \$39.
 2152 (3) An original limited term license application under Section 53-3-205 is \$32.
 2153 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.
 2154 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.
 2155 (6) A learner permit application under Section 53-3-210.5 is \$19.
 2156 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)
 2157 applies.
 2158 (8) A renewal of a provisional license application for a class D license under Section
 2159 53-3-214 is \$52.
 2160 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.
 2161 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.
 2162 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.
 2163 (12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is
 2164 \$27.
 2165 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)
 2166 applies.
 2167 (14) An extension of a provisional license application for a class D license under Section
 2168 53-3-214 is \$42.
 2169 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.
 2170 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.

- 2171 (17) An extension of a class D license for an individual 65 and older under Section 53-3-214
2172 is \$22.
- 2173 (18) An original or renewal application for a commercial class A, B, or C license or an
2174 original or renewal of a provisional commercial class A or B license under Part 4,
2175 Uniform Commercial Driver License Act, is \$52.
- 2176 (19) A commercial class A, B, or C license skills test is \$78.
- 2177 (20) Each original CDL endorsement for passengers, hazardous material, double or triple
2178 trailers, or tankers is \$9.
- 2179 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
2180 Driver License Act, is \$9.
- 2181 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License
2182 Act, is \$9.
- 2183 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
2184 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 2185 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 2186 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 2187 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.
2188 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
2189 combination of alcohol and any drug-related offense is \$45 in addition to the fee
2190 under Subsection (26)(a).
- 2191 (27)(a) An administrative fee for license reinstatement after an alcohol, drug, or
2192 combination of alcohol and any drug-related offense under Section 41-6a-520,
2193 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any
2194 drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.
2195 (b) This administrative fee is in addition to the fees under Subsection (26).
- 2196 (28)(a) An administrative fee for providing the driving record of a driver under Section
2197 53-3-104 or 53-3-420 is \$8.
2198 (b) The division may not charge for a report furnished under Section 53-3-104 to a
2199 municipal, county, state, or federal agency.
- 2200 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 2201 (30)(a) Except as provided under Subsections (30)(b) and (c), an identification card
2202 application under Section 53-3-808 is \$23.
2203 (b) An identification card application under Section 53-3-808 for a person with a
2204 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

- 2205 (c) A fee may not be charged for an identification card application if the individual
2206 applying:
- 2207 (i)(A) has not been issued a Utah driver license;
- 2208 (B) is indigent; and
- 2209 (C) is at least 18 years old;
- 2210 (ii) submits written verification that the individual is homeless, as defined in Section
2211 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child
2212 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 2213 (A) a homeless shelter, as defined in Section 35A-16-305;
- 2214 (B) a permanent housing, permanent, supportive, or transitional facility, as defined
2215 in Section 35A-5-302;
- 2216 (C) the Department of Workforce Services; or
- 2217 (D) a local educational agency liaison for homeless children and youth designated
2218 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
- 2219 (iii) is under~~[the age of]~~ 26 years old and submits written verification that the
2220 individual:
- 2221 (A) is in the custody of the Division of Child and Family Services; or
- 2222 (B) was in the custody of the Division of Child and Family Services but is no
2223 longer in the custody of the Division of Child and Family Services due to the
2224 individual's age.
- 2225 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a
2226 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 2227 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written
2228 verification that the individual is homeless, as defined in Section 26B-3-207, or a
2229 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is
2230 homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 2231 (i) a homeless shelter, as defined in Section 35A-16-305;
- 2232 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
2233 Section 35A-5-302;
- 2234 (iii) the Department of Workforce Services;
- 2235 (iv) a homeless service provider as verified by the Department of Workforce Services
2236 as described in Section 26B-8-113; or
- 2237 (v) a local educational agency liaison for homeless children and youth designated
2238 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

- 2239 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is
2240 \$23.
- 2241 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written
2242 verification that the individual is homeless, as defined in Section 26B-3-207, or a
2243 person who is homeless, as defined in Section 35A-5-302, from:
- 2244 (i) a homeless shelter, as defined in Section 35A-16-305;
2245 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
2246 Section 35A-5-302;
2247 (iii) the Department of Workforce Services; or
2248 (iv) a homeless service provider as verified by the Department of Workforce Services
2249 as described in Section 26B-8-113.
- 2250 (33) In addition to any license application fees collected under this chapter, the division
2251 shall impose on individuals submitting fingerprints in accordance with Section
2252 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for
2253 the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
- 2254 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.
- 2255 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.
- 2256 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.
- 2257 (37) An original driving privilege card application under Section 53-3-207 is \$32.
- 2258 (38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.
- 2259 (39) A fee may not be charged for an original class D license application, original
2260 provisional license application for a class D license, or a learner permit application if the
2261 individual applying is:
- 2262 (a) under the~~[-age of]~~ 26 years old; and
2263 (b) submits written verification that the individual:
- 2264 (i) is in the custody of the Division of Child and Family Services; or
2265 (ii) was in the custody of the Division of Child and Family Services but is no longer
2266 in the custody of the Division of Child and Family Services due to the individual's
2267 age.
- 2268 (40) An administrative fee to add an interdicted person identifier to a license certificate
2269 under Section 53-3-236 or identification card under Section 53-3-805 is \$7.
- 2270 Section 12. Section **53-3-236** is enacted to read:
- 2271 **53-3-236 . Interdicted person identifier -- License notation.**
- 2272 (1) If the division receives a notification from a court as provided in Section 41-6a-505,

- 2273 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the
 2274 division:
- 2275 (a)(i) may accept an application from the individual for a duplicate license that
 2276 includes an interdicted person identifier; and
 2277 (ii) if the individual submits an application and qualifies for a license certificate, may
 2278 provide a license certificate with the interdicted person identifier; or
- 2279 (b)(i) may accept an application from the individual for a renewal of a license or an
 2280 original license with an interdicted person identifier; and
 2281 (ii) if the individual submits an application and qualifies for a license certificate, may
 2282 provide a license certificate with an interdicted person identifier.
- 2283 (2) The division may not provide to an individual a license certificate without the
 2284 interdicted person identifier during the time period the court has designated the person
 2285 as an interdicted person.
- 2286 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or
 2287 renewal of a license that includes an interdicted person identifier.
- 2288 (b) An individual that voluntarily applies for a duplicate license, original license, or
 2289 renewal of a license with an interdicted person identifier may not apply for another
 2290 duplicate license, original license, or renewal of a license without the interdicted
 2291 person identifier for at least 30 days after the application for the license certificate
 2292 with the interdicted person identifier.
- 2293 (4) An individual may not hold a license certificate with an interdicted person identifier
 2294 while also holding another license certificate.
- 2295 (5) The division may charge an administrative fee as described in Subsection 53-3-105(40)
 2296 to an individual to process and provide a license certificate with an interdicted person
 2297 identifier.
- 2298 (6) An individual who is designated as an interdicted person by a court is subject to the
 2299 duplicate license fee and other fees necessary to administer the license certificate with
 2300 the interdicted person identifier.
- 2301 Section 13. Section **53-3-805** is amended to read:
- 2302 **53-3-805 . Identification card -- Contents -- Specifications.**
- 2303 (1) As used in this section:
- 2304 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
- 2305 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.
- 2306 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.

2307 (d) "Invisible condition identification symbol" means the same as that term is defined in
2308 Section 53-3-207.

2309 (2)(a) The division shall issue an identification card that bears:

- 2310 (i) the distinguishing number assigned to the individual by the division;
- 2311 (ii) the name, birth date, and Utah residence address of the individual;
- 2312 (iii) a brief description of the individual for the purpose of identification;
- 2313 (iv) a photograph of the individual;
- 2314 (v) a photograph or other facsimile of the individual's signature;
- 2315 (vi) an indication whether the individual intends to make an anatomical gift under
2316 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and
- 2317 (vii) if the individual states that the individual is a veteran of the United States
2318 military on the application for an identification card in accordance with Section
2319 53-3-804 and provides verification that the individual received an honorable or
2320 general discharge from the United States Armed Forces, an indication that the
2321 individual is a United States military veteran for a regular identification card or a
2322 limited-term identification card issued on or after July 1, 2011.

2323 (b) An identification card issued by the division may not bear the individual's social
2324 security number or place of birth.

2325 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and
2326 alteration.

2327 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
2328 prescribed by the commissioner.

2329 (4) At the applicant's request, the card may include a statement that the applicant has a
2330 special medical problem or allergies to certain drugs, for the purpose of medical
2331 treatment.

2332 (5)(a) The division shall include or affix an invisible condition identification symbol on
2333 an individual's identification card if the individual or the individual's authorized
2334 guardian, on a form prescribed by the department:

- 2335 (i) requests the division to include the invisible condition identification symbol;
- 2336 (ii) provides written verification from a health care professional that the individual is
2337 an individual with an invisible condition; and
- 2338 (iii) submits a signed waiver of liability for the release of any medical information to:
2339 (A) the department;
2340 (B) any person who has access to the individual's medical information as recorded

- 2341 on the individual's driving record or the Utah Criminal Justice Information
2342 System under this chapter;
- 2343 (C) any other person who may view or receive notice of the individual's medical
2344 information by seeing the individual's identification card or the individual's
2345 information in the Utah Criminal Justice Information System;
- 2346 (D) a local law enforcement agency that receives a copy of the form described in
2347 this Subsection (5)(a) and enters the contents of the form into the local law
2348 enforcement agency's record management system or computer-aided dispatch
2349 system; and
- 2350 (E) a dispatcher who accesses the information regarding the individual's invisible
2351 condition through the use of a local law enforcement agency's record
2352 management system or computer-aided dispatch system.
- 2353 (b) As part of the form described in Subsection (5)(a), the department shall advise the
2354 individual or the individual's authorized guardian that by submitting the request and
2355 signed waiver, the individual or the individual's authorized guardian consents to the
2356 release of the individual's medical information to any person described in Subsection
2357 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
2358 information under state or federal law.
- 2359 (c) The division may not:
- 2360 (i) charge a fee to include the invisible condition identification symbol on the
2361 individual's identification card; or
- 2362 (ii) after including the invisible condition identification symbol on the individual's
2363 previously issued identification card, require the individual to provide subsequent
2364 written verification described in Subsection (5)(a)(ii) to include the invisible
2365 condition identification symbol on the individual's extended identification card.
- 2366 (d) The division shall confirm with the Division of Professional Licensing that the health
2367 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 2368 (e) The inclusion of an invisible condition identification symbol on an individual's
2369 identification card in accordance with Subsection (5)(a) does not confer any legal
2370 rights or privileges on the individual, including parking privileges for individuals
2371 with disabilities under Section 41-1a-414.
- 2372 (f) For each individual issued an identification card under this section that includes an
2373 invisible condition identification symbol, the division shall include in the division's
2374 database a brief description of the nature of the individual's invisible condition in the

- 2375 individual's record and provide the brief description to the Utah Criminal Justice
2376 Information System.
- 2377 (g) Except as provided in this section, the division may not release the information
2378 described in Subsection (5)(f).
- 2379 (h) Within 30 days after the day on which the division receives an individual's or the
2380 individual's authorized guardian's written request, the division shall:
- 2381 (i) remove from the individual's record in the division's database the invisible
2382 condition identification symbol and the brief description described in Subsection
2383 (5)(f); and
- 2384 (ii) provide the individual's updated record to the Utah Criminal Justice Information
2385 System.
- 2386 (6)(a) If the division receives a notification from a court as provided in Section
2387 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted
2388 person, the division:
- 2389 (i) may accept an application from the individual for an identification card that
2390 includes an interdicted person identifier; and
- 2391 (ii) if the individual submits an application and qualifies for an identification card,
2392 may provide an identification card with the interdicted person identifier.
- 2393 (b)(i) An individual may voluntarily apply for an identification card that includes an
2394 interdicted person identifier.
- 2395 (ii) An individual that voluntarily applies for an identification card with an
2396 interdicted person identifier may not apply for another identification card without
2397 the interdicted person identifier for at least 30 days after the application for the
2398 identification card with the interdicted person identifier.
- 2399 (c) The division may not provide to an individual an identification card without the
2400 interdicted person identifier during the time period the court has designated the
2401 person as an interdicted person.
- 2402 (d) The division may charge an administrative fee as described in Subsection
2403 53-3-105(40) to an individual to process and provide an identification card with an
2404 interdicted person identifier.
- 2405 (e) An individual who is designated as an interdicted person by a court is subject to the
2406 identification card fee and other fees necessary to administer the identification card
2407 with an interdicted person identifier.
- 2408 ~~(6)~~ (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a)

2409 is a private record for purposes of Title 63G, Chapter 2, Government Records Access
2410 and Management Act.

2411 ~~[(7)]~~ (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be
2412 authenticated by the applicant in accordance with division rule.

2413 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
2414 Management Act, the division may, upon request, release to an organ procurement
2415 organization, as defined in Section 26B-8-301, the names and addresses of all
2416 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make
2417 an anatomical gift.

2418 (ii) An organ procurement organization may use released information only to:

2419 (A) obtain additional information for an anatomical gift registry; and

2420 (B) inform applicants of anatomical gift options, procedures, and benefits.

2421 ~~[(8)]~~ (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and
2422 Management Act, the division may release to the Department of Veterans and Military
2423 Affairs the names and addresses of all individuals who indicate their status as a veteran
2424 under Subsection 53-3-804(2)(l).

2425 ~~[(9)]~~ (10) The division and the division's employees are not liable, as a result of false or
2426 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or
2427 indirect:

2428 (a) loss;

2429 (b) detriment; or

2430 (c) injury.

2431 ~~[(10)]~~ (11)(a) The division may issue a temporary regular identification card to an
2432 individual while the individual obtains the required documentation to establish
2433 verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d),
2434 and (i)(i).

2435 (b) A temporary regular identification card issued under this Subsection ~~[(10)]~~ (11) shall
2436 be recognized and grant the individual the same privileges as a regular identification
2437 card.

2438 (c) A temporary regular identification card issued under this Subsection ~~[(10)]~~ (11) is
2439 invalid:

2440 (i) when the individual's regular identification card has been issued;

2441 (ii) when, for good cause, an applicant's application for a regular identification card
2442 has been refused; or

- 2443 (iii) upon expiration of the temporary regular identification card.
- 2444 (d) The division shall coordinate with the Department of Corrections in providing an
- 2445 inmate with a temporary regular identification card as described in Section 64-13-10.6.
- 2446 Section 14. Section **53-3-808** is amended to read:
- 2447 **53-3-808 . Fee required for identification card.**
- 2448 (1) The commissioner may charge and collect a fee only as provided by Section 53-3-105
- 2449 when an application for an identification card or an identification card with an
- 2450 interdicted person identifier is submitted.
- 2451 (2)(a) Before accepting an application from an indigent person for an identification card
- 2452 without the payment of a fee, the division shall require that the indigent person sign a
- 2453 statement under penalty of perjury that the person is indigent.
- 2454 (b) The division may require an indigent person applying for an identification card
- 2455 without the payment of a fee to execute a release form allowing the division to
- 2456 inquire with the State Tax Commission whether the person has filed state income tax
- 2457 returns or has state income tax withholding suggesting that the person is not indigent.
- 2458 Section 15. Section **76-5-102.1** is amended to read:
- 2459 **76-5-102.1 . Negligently operating a vehicle resulting in injury.**
- 2460 (1)(a) As used in this section:
- 2461 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 2462 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
- 2463 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
- 2464 76-5-207.
- 2465 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 2466 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 2467 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:
- 2468 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and
- 2469 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 2470 test shows that the actor has a blood or breath alcohol concentration of .05
- 2471 grams or greater at the time of the test;
- 2472 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
- 2473 and a drug to a degree that renders the actor incapable of safely operating a
- 2474 vehicle; or
- 2475 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 2476 of operation; or

- 2477 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
2478 another; and
- 2479 (ii) has in the actor's body any measurable amount of a controlled substance.
- 2480 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 2481 (a)(i) a class A misdemeanor; or
- 2482 (ii) a third degree felony if the actor has two or more driving under the influence
2483 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
2484 years of:
- 2485 (A) the current conviction; or
- 2486 (B) the commission of the offense upon which the current conviction is based;
- 2487 (iii) a third degree felony, if the current conviction is at any time after the conviction
2488 of:
- 2489 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
2490 that is a felony; or
- 2491 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of
2492 conviction is reduced under Section 76-3-402; or
- 2493 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 2494 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
2495 violation of this section, regardless of whether the injuries arise from the same
2496 episode of driving.
- 2497 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
2498 Subsection (2)(b) if:
- 2499 (a) the controlled substance was obtained under a valid prescription or order, directly
2500 from a practitioner while acting in the course of the practitioner's professional
2501 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 2502 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 2503 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
2504 58-37-4.2 if:
- 2505 (i) the actor is the subject of medical research conducted by a holder of a valid license
2506 to possess controlled substances under Section 58-37-6; and
- 2507 (ii) the substance was administered to the actor by the medical researcher.
- 2508 (5)(a) A judge imposing a sentence under this section may consider:
- 2509 (i) the adult sentencing and supervision length guidelines, as defined in Section
2510 63M-7-401.1;

- 2511 (ii) the defendant's history;
- 2512 (iii) the facts of the case;
- 2513 (iv) aggravating and mitigating factors; or
- 2514 (v) any other relevant fact.
- 2515 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 2516 based on the defendant's history under Section 41-6a-505.
- 2517 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
- 2518 provisions for the admissibility of chemical test results under Section 41-6a-516
- 2519 apply to determination and proof of blood alcohol content under this section.
- 2520 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 2521 made in accordance with Subsection 41-6a-502(3).
- 2522 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 2523 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 2524 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 2525 admissible except if prohibited by the Utah Rules of Evidence, the United States
- 2526 Constitution, or the Utah Constitution.
- 2527 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
- 2528 described in this section may not be held in abeyance.

2529 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an

2530 interdicted person, as that term is defined in Section 32B-1-102, for a period of time

2531 not to exceed the probationary period, unless the court finds good cause to order a

2532 shorter or longer time.

2533 (b) If a court designates a person as an interdicted person as provided in Subsection

2534 (6)(a), the court shall:

- 2535 (i) require the person to surrender the person's identification card or driver license;
- 2536 (ii) notify the Driver License Division that the person is an interdicted person; and
- 2537 (iii) provide the person's identification card or driver license to the Driver License
- 2538 Division.

2539 Section 16. Section **76-5-207** is amended to read:

2540 **76-5-207 . Automobile homicide -- Penalties -- Evidence.**

2541 (1)(a) As used in this section:

- 2542 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 2543 (ii) "Criminally negligent" means the same as that term is described in Subsection
- 2544 76-2-103(4).

- 2545 (iii) "Drug" means:
- 2546 (A) a controlled substance;
- 2547 (B) a drug as defined in Section 58-37-2; or
- 2548 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
- 2549 human body, can impair the ability of an individual to safely operate a vehicle.
- 2550 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
- 2551 degree of care that reasonable and prudent persons exercise under like or similar
- 2552 circumstances.
- 2553 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 2554 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 2555 (2) An actor commits automobile homicide if the actor:
- 2556 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
- 2557 death of another individual; and
- 2558 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 2559 test shows that the actor has a blood or breath alcohol concentration of .05
- 2560 grams or greater at the time of the test;
- 2561 (B) is under the influence of alcohol, any drug, or the combined influence of
- 2562 alcohol and any drug to a degree that renders the actor incapable of safely
- 2563 operating a vehicle; or
- 2564 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 2565 of operation; or
- 2566 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
- 2567 and
- 2568 (ii) has in the actor's body any measurable amount of a controlled substance.
- 2569 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 2570 (a) a second degree felony, punishable by a term of imprisonment of not less than five
- 2571 years nor more than 15 years; and
- 2572 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 2573 of this section, regardless of whether the deaths arise from the same episode of
- 2574 driving.
- 2575 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 2576 (a) the controlled substance was obtained under a valid prescription or order, directly
- 2577 from a practitioner while acting in the course of the practitioner's professional
- 2578 practice, or as otherwise authorized by Title 58, Occupations and Professions;

- 2579 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
2580 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
2581 58-37-4.2 if:
2582 (i) the actor is the subject of medical research conducted by a holder of a valid license
2583 to possess controlled substances under Section 58-37-6; and
2584 (ii) the substance was administered to the actor by the medical researcher.
- 2585 (5)(a) A judge imposing a sentence under this section may consider:
2586 (i) the adult sentencing and supervision length guidelines, as defined in Section
2587 63M-7-401.1;
2588 (ii) the defendant's history;
2589 (iii) the facts of the case;
2590 (iv) aggravating and mitigating factors; or
2591 (v) any other relevant fact.
- 2592 (b) The judge may not impose a lesser sentence than would be required for a conviction
2593 based on the defendant's history under Section 41-6a-505.
- 2594 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
2595 provisions for the admissibility of chemical test results as provided by Section
2596 41-6a-516 apply to determination and proof of blood alcohol content under this
2597 section.
- 2598 (d) A calculation of blood or breath alcohol concentration under this section shall be
2599 made in accordance with Subsection 41-6a-502(3).
- 2600 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
2601 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 2602 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
2603 admissible except when prohibited by the Utah Rules of Evidence, the United States
2604 Constitution, or the Utah Constitution.
- 2605 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
2606 described in this section may not be held in abeyance.
- 2607 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
2608 of justice to suspend the imposition of prison, the court shall detail the finding on the
2609 record, including why a suspended prison sentence is in the interest of justice.
- 2610 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
2611 three years nor more than 15 years if the court details on the record why it is in the
2612 interest of justice.

2613 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
2614 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
2615 not to exceed the probationary period, unless the court finds good cause to order a
2616 shorter or longer time.

2617 (b) If a court designates a person as an interdicted person as provided in Subsection
2618 (8)(a), the court shall:

2619 (i) require the person to surrender the person's identification card or driver license;

2620 (ii) notify the Driver License Division that the person is an interdicted person; and

2621 (iii) provide the person's identification card or driver license to the Driver License
2622 Division.

2623 Section 17. **Effective Date.**

2624 This bill takes effect on January 1, 2026.