

## SB0328S02 compared with SB0328S01

~~{Omitted text}~~ shows text that was in SB0328S01 but was omitted in SB0328S02

inserted text shows text that was not in SB0328S01 but was inserted into SB0328S02

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## Alcohol Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor:

# LONG TITLE

### General Description:

This bill amends provisions relating to alcohol.

### Highlighted Provisions:

This bill:

- defines terms;
- {~~exempts an alcohol overlay district from proximity requirements;~~}
- {~~permits a local government to authorize an outlet or restaurant with an alcohol license to be in proximity to a public park or playground;~~}
- {~~provides that an authorized person shall verify proof of age for each individual purchasing alcohol or gaining access to a bar or tavern;~~}
- {~~requires that the Alcoholic Beverage Services Commission (commission) ensure that the electronic verification program includes technology that recognizes unique security features on a license issued identification card;~~}
- {~~requires that the Department of Alcoholic Beverage Services (department) develop a training program for authorized persons to verify whether an individual is an interdicted person;~~}

**SB0328S01**

## SB0328S01 compared with SB0328S02

- 20       ▶ ~~{increases the state markup on spirituous liquor and wine to fund the Inmate Education~~  
Restricted Account;}
- 22       ▶ ~~{requires that, before the sale of an alcohol product, a person verify whether the purchaser~~  
is an interdicted person through examination of the person's identification card;}
- 24       ▶ clarifies the ~~{commission's}~~ Alcohol Beverage Services Commission's authority when granting  
or denying an application for a retail license;
- 26       ▶ provides that a hotel may serve spirituous liquor in a container that is not the spirituous liquor's  
original container;
- 28       ▶ ~~{provides that a patron of a facility with multiple licenses may transport beer between the~~  
premises under certain conditions;}
- 30       ▶ authorizes staff of a retail licensee that are 21 years old or older to test the quality and taste of  
liquor using the "straw test";
- 32       ▶ ~~{removes the requirement that dispensing locations under an equity license be connected~~  
by a private roadway;}
- 34       ▶ ~~{provides that an equity license applies to all locations owned by an equity licensee;}~~
- 35       ▶ ~~{provides that an amphitheater qualifies for a banquet license;}~~
- 36       ▶ provides that the ~~{department}~~ Department of Alcoholic Beverage Services may approve  
multiple locations in or on the licensed premises of an on-premise banquet licensee;
- 38       ▶ ~~{lowers the seating capacity threshold for a sport facility or concert venue for purposes of~~  
receiving an on-premises beer retailer license;}
- 40       ▶ provides the circumstances under which an off-premise beer retailer may sell beer at a loading  
area or a designated parking stall;
- 42       ▶ requires that a person applying for an event permit post a surety bond; and
- 43       ▶ ~~{requires that a court designate an individual as a interdicted person under certain~~  
circumstances;}
- 45       ▶ ~~{provides the requirements that a court shall order an individual designated as an~~  
interdicted person complete;}
- 47       ▶ ~~{requires that the Driver License Division establish rules regarding a license certificate and~~  
identification card for an interdicted person;}
- 49       ▶ ~~{establishes the administrative fee to add an interdicted person identifier to a license~~  
certificate or identification card;}

## SB0328S01 compared with SB0328S02

- {establishes the process by which an interdicted person receives an interdicted person identifier on a license certificate or identification card;}
- {renames the Prison Telephone Surcharge Account to the Inmate Education Restricted Account;}
- {provides additional funding for the Inmate Education Restricted Account;}
- {modifies the uses of the funds in the Inmate Education Restricted Account;}
- {authorizes certain education institutions to provide vocational and education services related to the Inmate Education Restricted Account; and}
- makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### AMENDS:

- {32B-1-102, as last amended by Laws of Utah 2024, Chapters 438, 464, as last amended by Laws of Utah 2024, Chapters 438, 464}
- {32B-1-202, as last amended by Laws of Utah 2024, Chapter 94, as last amended by Laws of Utah 2024, Chapter 94}
- {32B-1-407, as last amended by Laws of Utah 2018, Chapter 249, as last amended by Laws of Utah 2018, Chapter 249}
- {32B-1-603.5, as enacted by Laws of Utah 2023, Chapter 371, as enacted by Laws of Utah 2023, Chapter 371}
- {32B-1-607, as last amended by Laws of Utah 2021, Chapter 291, as last amended by Laws of Utah 2021, Chapter 291}
- {32B-1-704, as last amended by Laws of Utah 2024, Chapter 438, as last amended by Laws of Utah 2024, Chapter 438}
- {32B-2-304, as last amended by Laws of Utah 2024, Chapter 94, as last amended by Laws of Utah 2024, Chapter 94}
- {32B-4-405, as enacted by Laws of Utah 2010, Chapter 276, as enacted by Laws of Utah 2010, Chapter 276}

## SB0328S01 compared with SB0328S02

**32B-5-201** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah 2024, Chapter 94

**32B-5-304** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah 2024, Chapter 94

~~{32B-5-306 , as last amended by Laws of Utah 2019, Chapter 403 , as last amended by Laws of Utah 2019, Chapter 403}~~

~~{32B-5-307 , as last amended by Laws of Utah 2022, Chapter 447 , as last amended by Laws of Utah 2022, Chapter 447}~~

**32B-5-308** , as last amended by Laws of Utah 2019, Chapter 403 , as last amended by Laws of Utah 2019, Chapter 403

~~{32B-6-403 , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah 2024, Chapter 94}~~

~~{32B-6-603 , as last amended by Laws of Utah 2023, Chapter 371 , as last amended by Laws of Utah 2023, Chapter 371}~~

**32B-6-604** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah 2024, Chapter 94

~~{32B-6-605 , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah 2024, Chapter 94}~~

~~{32B-6-702 , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah 2024, Chapter 94}~~

**32B-7-202** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah 2024, Chapter 94

**32B-9-203** , as enacted by Laws of Utah 2010, Chapter 276 , as enacted by Laws of Utah 2010, Chapter 276

~~{41-6a-102 , as last amended by Laws of Utah 2024, Chapter 236 , as last amended by Laws of Utah 2024, Chapter 236}~~

~~{41-6a-505 , as last amended by Laws of Utah 2024, Chapters 134, 197 , as last amended by Laws of Utah 2024, Chapters 134, 197}~~

~~{41-6a-509 , as last amended by Laws of Utah 2024, Chapter 106 , as last amended by Laws of Utah 2024, Chapter 106}~~

## SB0328S01 compared with SB0328S02

~~{53-3-102, as last amended by Laws of Utah 2024, Chapter 517, as last amended by Laws of Utah 2024, Chapter 517}~~

~~{53-3-104, as last amended by Laws of Utah 2024, Chapter 106, as last amended by Laws of Utah 2024, Chapter 106}~~

~~{53-3-105, as last amended by Laws of Utah 2024, Chapter 527, as last amended by Laws of Utah 2024, Chapter 527}~~

~~{53-3-805, as last amended by Laws of Utah 2023, Chapters 328, 414 and 456, as last amended by Laws of Utah 2023, Chapters 328, 414 and 456}~~

~~{53-3-808, as last amended by Laws of Utah 2009, Chapter 45, as last amended by Laws of Utah 2009, Chapter 45}~~

~~{64-13-30.5, as enacted by Laws of Utah 2009, Chapter 258, as enacted by Laws of Utah 2009, Chapter 258}~~

~~{64-13-42, as last amended by Laws of Utah 2024, Chapter 144, as last amended by Laws of Utah 2024, Chapter 144}~~

~~{76-5-102.1, as last amended by Laws of Utah 2024, Chapter 197, as last amended by Laws of Utah 2024, Chapter 197}~~

~~{76-5-207, as last amended by Laws of Utah 2024, Chapters 153, 208 and 381, as last amended by Laws of Utah 2024, Chapters 153, 208 and 381}~~

ENACTS:

~~{53-3-236, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

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

~~{Section 1. Section 32B-1-102 is amended to read: }~~

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

As used in this title:

- (1) "Airport lounge" means a business location:
  - (a) at which an alcoholic product is sold at retail for consumption on the premises; and
  - (b) that is located at an international airport or domestic airport.
- (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
- (3) "Alcoholic beverage" means the following:

## SB0328S01 compared with SB0328S02

- 111 (a) beer; or  
112 (b) liquor.  
113 (4)  
114 (a) "Alcoholic product" means a product that:  
115 (i) contains at least .5% of alcohol by volume; and  
116 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses  
117 liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal  
118 to or greater than .5% of alcohol by volume.  
119 (b) "Alcoholic product" includes an alcoholic beverage.  
120 (c) "Alcoholic product" does not include any of the following common items that otherwise come  
121 within the definition of an alcoholic product:  
122 (i) except as provided in Subsection (4)(d), an extract;  
123 (ii) vinegar;  
124 (iii) preserved nonintoxicating cider;  
125 (iv) essence;  
126 (v) tincture;  
127 (vi) food preparation; or  
128 (vii) an over-the-counter medicine.  
129 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation when it is used as  
130 a flavoring in the manufacturing of an alcoholic product.  
131 (5) "Alcohol training and education seminar" means a seminar that is:  
132 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and  
133 (b) described in Section 26B-5-205.  
134 (6)  
135 (a) "Amphitheater" means an outdoor, multi-use performance venue that:  
136 (i) is primarily used to present live entertainment, including music, dance, comedy, and theater;  
137 (ii) has the capacity to hold over 10,000 patrons; and  
138 (iii) is located in a county of the first class.  
139 (b) "Amphitheater" does not include a space that is used to present sporting events or sporting  
140 competitions.  
141 [(6)] (7) "Arena" means an enclosed building:

## SB0328S01 compared with SB0328S02

(a) that is managed by:

(i) the same person who owns the enclosed building;

(ii) a person who has a majority interest in each person who owns or manages a space in the enclosed building; or

(iii) a person who has authority to direct or exercise control over the management or policy of each person who owns or manages a space in the enclosed building;

(b) that operates as a venue; and

(c) that has an occupancy capacity of at least 12,500.

~~[(7)]~~ (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8c, Arena License Act.

~~[(8)]~~ (9) "Banquet" means an event:

(a) that is a private event or a privately sponsored event;

(b) that is held at one or more designated locations approved by the commission in or on the premises of:

(i) a hotel;

(ii) a resort facility;

(iii) a sports center;

(iv) a convention center;

(v) a performing arts facility;

(vi) an arena;~~[-or]~~

(vii) a restaurant venue; or

(viii) an amphitheater;

(c) for which there is a contract:

(i) between a person operating a facility listed in Subsection ~~[(8)(b)]~~ (9)(b) and another person that has common ownership of less than 20% with the person operating the facility; and

(ii) under which the person operating a facility listed in Subsection ~~[(8)(b)]~~ (9)(b) is required to provide an alcoholic product at the event; and

(d) at which food and alcoholic products may be sold, offered for sale, or furnished.

~~[(9)]~~ (10)

(a) "Bar establishment license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

## SB0328S01 compared with SB0328S02

(b) "Bar establishment license" includes:

(i) a dining club license;

(ii) an equity license;

(iii) a fraternal license; or

(iv) a bar license.

~~[(10)]~~ (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

~~[(11)]~~ (12)

(a) "Beer" means a product that:

(i) contains:

(A) at least .5% of alcohol by volume; and

(B) no more than 5% of alcohol by volume or 4% by weight;

(ii) is obtained by fermentation, infusion, or decoction of:

(A) malt; or

(B) a malt substitute; and

(iii) is clearly marketed, labeled, and identified as:

(A) beer;

(B) ale;

(C) porter;

(D) stout;

(E) lager;

(F) a malt;

(G) a malted beverage; or

(H) seltzer.

(b) "Beer" may contain:

(i) hops extract;

(ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or

(iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:

(A) is used in the production of beer;

(B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and



## SB0328S01 compared with SB0328S02

- 202 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 203 (c) "Beer" does not include:
- 204 (i) a flavored malt beverage;
- 205 (ii) a product that contains alcohol derived from:
- 206 (A) except as provided in Subsection ~~[(11)(b)(iii)]~~ (12)(b)(iii), spirituous liquor; or
- 207 (B) wine; or
- 208 (iii) a product that contains an additive masking or altering a physiological effect of alcohol, including  
kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- 211 ~~[(12)]~~ (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5, Retail  
License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 213 ~~[(13)]~~ (14) "Beer retailer" means a business that:
- 214 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption  
on or off the business premises; and
- 216 (b) is licensed as:
- 217 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer Retailer Local  
Authority; or
- 219 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7,  
On-Premise Beer Retailer License.
- 221 ~~[(14)]~~ (15) "Beer wholesaling license" means a license:
- 222 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 223 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail licensees or  
off-premise beer retailers.
- 225 ~~[(15)]~~ (16) "Billboard" means a public display used to advertise, including:
- 226 (a) a light device;
- 227 (b) a painting;
- 228 (c) a drawing;
- 229 (d) a poster;
- 230 (e) a sign;
- 231 (f) a signboard; or
- 232 (g) a scoreboard.
- 233 ~~[(16)]~~ (17) "Brewer" means a person engaged in manufacturing:

## SB0328S01 compared with SB0328S02

234 (a) beer;  
235 (b) heavy beer; or  
236 (c) a flavored malt beverage.

237 [(17)] (18) "Brewery manufacturing license" means a license issued in accordance with Chapter 11, Part  
5, Brewery Manufacturing License.

239 [(18)] (19) "Certificate of approval" means a certificate of approval obtained from the department under  
Section 32B-11-201.

241 [(19)] (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a bus  
company to a group of persons pursuant to a common purpose:

243 (a) under a single contract;  
244 (b) at a fixed charge in accordance with the bus company's tariff; and  
245 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other motor vehicle,  
and a driver to travel together to one or more specified destinations.

247 [(20)] (21) "Church" means a building:

248 (a) set apart for worship;  
249 (b) in which religious services are held;  
250 (c) with which clergy is associated; and  
251 (d) that is tax exempt under the laws of this state.

252 [(21)] (22) "Commission" means the Alcoholic Beverage Services Commission created in Section  
32B-2-201.

254 [(22)] (23) "Commissioner" means a member of the commission.

255 [(23)] (24) "Community location" means:

256 (a) a public or private school as defined in Subsection [32B-1-102(115)] (116); or  
257 (b) a church[;] .  
258 [(c) a public library;]  
259 [(d) a public playground; or]  
260 [(e) a public park.]

261 [(24)] (25) "Community location governing authority" means:

262 (a) the governing body of the community location; or  
263

## SB0328S01 compared with SB0328S02

(b) if the commission does not know who is the governing body of a community location, a person who appears to the commission to have been given on behalf of the community location the authority to prohibit an activity at the community location.

~~[(25)]~~ (26) "Container" means a receptacle that contains an alcoholic product, including:

(a) a bottle;

(b) a vessel; or

(c) a similar item.

~~[(26)]~~ (27) "Controlled group of manufacturers" means as the commission defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(27)]~~ (28) "Convention center" means a facility that is:

(a) in total at least 30,000 square feet; and

(b) otherwise defined as a "convention center" by the commission by rule.

~~[(28)]~~ (29)

(a) "Counter" means a surface or structure in a dining area of a licensed premises where seating is provided to a patron for service of food.

(b) "Counter" does not include a dispensing structure.

~~[(29)]~~ (30) "Crime involving moral turpitude" is as defined by the commission by rule.

~~[(30)]~~ (31) "Department" means the Department of Alcoholic Beverage Services created in Section 32B-2-203.

~~[(31)]~~ (32) "Department compliance officer" means an individual who is:

(a) an auditor or inspector; and

(b) employed by the department.

~~[(32)]~~ (33) "Department sample" means liquor that is placed in the possession of the department for testing, analysis, and sampling.

~~[(33)]~~ (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a dining club license.

~~[(34)]~~ (35) "Director," unless the context requires otherwise, means the director of the department.

~~[(35)]~~ (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:

(a) against a person subject to administrative action; and

(b) that is brought on the basis of a violation of this title.

## SB0328S01 compared with SB0328S02

- 295    ~~[(36)]~~ (37)
- 296    (a) Subject to Subsection ~~[(36)(b)]~~ (37)(b), "dispense" means:
- 300       (i) drawing an alcoholic product; and
- 301       (ii) using the alcoholic product at the location from which it was drawn to mix or prepare an
- 302          alcoholic product to be furnished to a patron of the retail licensee.
- 303    (b) The definition of "dispense" in this Subsection ~~[(36)]~~ (37) applies only to:
- 304       (i) a full-service restaurant license;
- 305       (ii) a limited-service restaurant license;
- 306       (iii) a reception center license;
- 307       (iv) a beer-only restaurant license;
- 308       (v) a bar license;
- 309       (vi) an on-premise beer retailer;
- 310       (vii) an airport lounge license;
- 311       (viii) an on-premise banquet license; and
- 312       (ix) a hospitality amenity license.
- 313    ~~[(37)]~~ (38) "Dispensing structure" means a surface or structure on a licensed premises:
- 314       (a) where an alcoholic product is dispensed; or
- 315       (b) from which an alcoholic product is served.
- 316    ~~[(38)]~~ (39) "Distillery manufacturing license" means a license issued in accordance with Chapter 11,
- 317       Part 4, Distillery Manufacturing License.
- 318    ~~[(39)]~~ (40) "Distressed merchandise" means an alcoholic product in the possession of the department
- 319       that is saleable, but for some reason is unappealing to the public.
- 320    ~~[(40)]~~ (41) "Domestic airport" means an airport that:
- 321       (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 322       (b) receives scheduled commercial passenger aircraft service; and
- 323       (c) is not an international airport.
- 324    ~~[(41)]~~ (42) "Equity license" means a license issued in accordance with Chapter 5, Retail License Act,
- 325       and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as an equity
- 326       license.
- 327    ~~[(42)]~~ (43) "Event permit" means:
- 328       (a) a single event permit; or

## SB0328S01 compared with SB0328S02

- 325 (b) a temporary beer event permit.
- 326 [~~(43)~~] (44) "Exempt license" means a license exempt under Section 32B-1-201 from being considered  
in determining the total number of retail licenses that the commission may issue at any time.
- 329 [~~(44)~~] (45)
- (a) "Flavored malt beverage" means a beverage:
- 330 (i) that contains at least .5% alcohol by volume;
- 331 (ii) for which the producer is required to file a formula for approval with the federal Alcohol and  
Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage is treated by  
processing, filtration, or another method of manufacture that is not generally recognized as a  
traditional process in the production of a beer, ale, porter, stout, lager, or malt liquor; and
- 336 (iii) for which the producer is required to file a formula for approval with the federal Alcohol and  
Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage includes an  
ingredient containing alcohol.
- 339 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or ethanol-based  
flavoring agent that contributes to the overall alcohol content of the beverage.
- 342 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 343 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 344 [~~(45)~~] (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License  
Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a  
fraternal license.
- 347 [~~(46)~~] (47) "Full-service restaurant license" means a license issued in accordance with Chapter 5, Retail  
License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 349 [~~(47)~~] (48)
- (a) "Furnish" means by any means to provide with, supply, or give an individual an alcoholic product,  
by sale or otherwise.
- 351 (b) "Furnish" includes to:
- 352 (i) serve;
- 353 (ii) deliver; or
- 354 (iii) otherwise make available.
- 355 [~~(48)~~] (49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- 357 [~~(49)~~] (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

## SB0328S01 compared with SB0328S02

358 [~~(50)~~] (51) "Health care practitioner" means:

- 359 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 360 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 361 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 362 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;
- 364 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
- 366 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy Practice Act;
- 368 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act;
- 370 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 371 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;
- 373 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 374 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 376 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; and
- 378 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.

380 [~~(51)~~] (52)

(a) "Heavy beer" means a product that:

- 381 (i)
- (A) contains more than 5% alcohol by volume;
- 382 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes more than 10% of the overall alcohol content of the product; or
- 386 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and has a label or packaging that is rejected under Subsection 32B-1-606(3)(b); and
- 389 (ii) is obtained by fermentation, infusion, or decoction of:
- 390 (A) malt; or
- 391 (B) a malt substitute.
- 392

## SB0328S01 compared with SB0328S02

(b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume, contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol content of the heavy beer.

(c) "Heavy beer" does not include:

(i) a flavored malt beverage;

(ii) a product that contains alcohol derived from:

(A) except as provided in Subsections ~~[(51)(a)(i)(B)]~~ (52)(a)(i)(B) and ~~[(51)(b)]~~ (52)(b), spirituous liquor; or

(B) wine; or

(iii) a product that contains an additive masking or altering a physiological effect of alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.

(d) "Heavy beer" is considered liquor for the purposes of this title.

~~[(52)]~~ (53) "Hospitality amenity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

~~[(53)]~~ (54)

(a) "Hotel" means a commercial lodging establishment that:

(i) offers at least 40 rooms as temporary sleeping accommodations for compensation;

(ii) is capable of hosting conventions, conferences, and food and beverage functions under a banquet contract; and

(iii)

(A) has adequate kitchen or culinary facilities on the premises to provide complete meals;

(B) has at least 1,000 square feet of function space consisting of meeting or dining rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or

(C) if the establishment is located in a small or unincorporated locality, has an appropriate amount of function space consisting of meeting or dining rooms that can be reserved for private use under a banquet contract, as determined by the commission.

(b) "Hotel" includes a commercial lodging establishment that:

(i) meets the requirements under Subsection ~~[(53)(a)]~~ (54)(a); and

(ii) has one or more privately owned dwelling units.

~~[(54)]~~ (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8b, Hotel License Act.

## SB0328S01 compared with SB0328S02

- 425 ~~[(55)]~~ (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part 8,  
Identification Card Act.
- 427 ~~[(56)]~~ (57) "Industry representative" means an individual who is compensated by salary, commission,  
or other means for representing and selling an alcoholic product of a manufacturer, supplier, or  
importer of liquor.
- 430 ~~[(57)]~~ (58) "Industry representative sample" means liquor that is placed in the possession of the  
department for testing, analysis, and sampling by a local industry representative on the premises of  
the department to educate the local industry representative of the quality and characteristics of the  
product.
- 434 ~~[(58)]~~ (59)
- (a) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing of an alcoholic  
product is prohibited by:
- 436 ~~[(a)]~~ (i) law; or
- 437 ~~[(b)]~~ (ii) court order.
- 438 (b) "Interdicted person" includes a person who voluntarily obtains a driver license certificate under  
Section 53-3-236 or an identification card under Section 53-3-805 with an interdicted person  
identifier.
- 441 ~~[(59)]~~ (60) "International airport" means an airport:
- 442 (a) with a United States Customs and Border Protection office on the premises of the airport; and
- 444 (b) at which international flights may enter and depart.
- 445 ~~[(60)]~~ (61) "Intoxicated" or "intoxication" means that
- 446 an individual exhibits plain and easily observable outward manifestations of behavior or  
physical signs produced by or as a result of the use of:
- 448 (a) an alcoholic product;
- 449 (b) a controlled substance;
- 450 (c) a substance having the property of releasing toxic vapors; or
- 451 (d) a combination of products or substances described in Subsections ~~[(60)(a)]~~ (61)(a) through (c).
- 453 ~~[(61)]~~ (62) "Investigator" means an individual who is:
- 454 (a) a department compliance officer; or
- 455 (b) a nondepartment enforcement officer.
- 456 ~~[(62)]~~ (63) "License" means:



## SB0328S01 compared with SB0328S02

- 457 (a) a retail license;  
458 (b) a sublicense;  
459 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License;  
461 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses Act;  
463 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;  
464 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or  
465 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.  
466 ~~[(63)]~~ (64) "Licensee" means a person who holds a license.  
467 ~~[(64)]~~ (65) "Limited-service restaurant license" means a license issued in accordance with Chapter 5,  
Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.  
470 ~~[(65)]~~ (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other than a  
bus or taxicab:  
472 (a) in which the driver and a passenger are separated by a partition, glass, or other barrier;  
474 (b) that is provided by a business entity to one or more individuals at a fixed charge in accordance with  
the business entity's tariff; and  
476 (c) to give the one or more individuals the exclusive use of the limousine and a driver to travel to one or  
more specified destinations.  
478 ~~[(66)]~~ (67)  
(a)  
(i) "Liquor" means a liquid that:  
479 (A) is:  
480 (I) alcohol;  
481 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;  
482 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or  
484 (IV) other drink or drinkable liquid; and  
485 (B)  
(I) contains at least .5% alcohol by volume; and  
486 (II) is suitable to use for beverage purposes.  
487 (ii) "Liquor" includes:  
488 (A) heavy beer;  
489 (B) wine; and

## SB0328S01 compared with SB0328S02

- 490 (C) a flavored malt beverage.
- 491 (b) "Liquor" does not include beer.
- 492 [(67)] (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 493 [(68)] (69) "Liquor transport license" means a license issued in accordance with Chapter 17, Liquor  
Transport License Act.
- 495 [(69)] (70) "Liquor warehousing license" means a license that is issued:
- 496 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 497 (b) to a person, other than a licensed manufacturer, who engages in the importation for storage, sale, or  
distribution of liquor regardless of amount.
- 499 [(70)] (71) "Local authority" means:
- 500 (a) for premises that are located in an unincorporated area of a county, the governing body of a county;
- 502 (b) for premises that are located in an incorporated city or town, the governing body of the city or town;  
or
- 504 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in a project  
area plan adopted by the Military Installation Development Authority under Title 63H, Chapter 1,  
Military Installation Development Authority Act, the Military Installation Development Authority.
- 508 [(71)] (72) "Lounge or bar area" is as defined by rule made by the commission.
- 509 [(72)] (73) "Malt substitute" means:
- 510 (a) rice;
- 511 (b) grain;
- 512 (c) bran;
- 513 (d) glucose;
- 514 (e) sugar; or
- 515 (f) molasses.
- 516 [(73)] (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or  
otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 519 [(74)] (75) "Member" means an individual who, after paying regular dues, has full privileges in an  
equity licensee or fraternal licensee.
- 521 [(75)] (76)
- (a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility  
for a ship:

## SB0328S01 compared with SB0328S02

523 (i)  
(A) under the control of the United States Department of Defense; or  
524 (B) of the National Guard;  
525 (ii) that is located within the state; and  
526 (iii) including a leased facility.  
527 (b) "Military installation" does not include a facility used primarily for:  
528 (i) civil works;  
529 (ii) a rivers and harbors project; or  
530 (iii) a flood control project.  
531 ~~[(76)]~~ (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products are  
kept and offered for self-service sale or consumption.  
533 ~~[(77)]~~ (78) "Minor" means an individual under 21 years old.  
534 ~~[(78)]~~ (79) "Nondepartment enforcement agency" means an agency that:  
535 (a)  
(i) is a state agency other than the department; or  
536 (ii) is an agency of a county, city, or town; and  
537 (b) has a responsibility to enforce one or more provisions of this title.  
538 ~~[(79)]~~ (80) "Nondepartment enforcement officer" means an individual who is:  
539 (a) a peace officer, examiner, or investigator; and  
540 (b) employed by a nondepartment enforcement agency.  
541 ~~[(80)]~~ (81)  
(a) "Off-premise beer retailer" means a beer retailer who is:  
542 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and  
543 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's premises.  
545 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.  
546 ~~[(81)]~~ (82) "Off-premise beer retailer state license" means a state license issued in accordance with  
Chapter 7, Part 4, Off-premise Beer Retailer State License.  
548 ~~[(82)]~~ (83) "On-premise banquet license" means a license issued in accordance with Chapter 5, Retail  
License Act, and Chapter 6, Part 6, On-Premise Banquet License.  
550 ~~[(83)]~~ (84) "On-premise beer retailer" means a beer retailer who is:  
551

## SB0328S01 compared with SB0328S02

(a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

(b) engaged in the sale of beer to a patron for consumption on the beer retailer's premises:

(i) regardless of whether the beer retailer sells beer for consumption off the licensed premises; and

(ii) on and after March 1, 2012, operating:

(A) as a tavern; or

(B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).

~~[(84)]~~ (85) "Opaque" means impenetrable to sight.

~~[(85)]~~ (86) "Package agency" means a retail liquor location operated:

(a) under an agreement with the department; and

(b) by a person:

(i) other than the state; and

(ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package Agency, to sell packaged liquor for consumption off the premises of the package agency.

~~[(86)]~~ (87) "Package agent" means a person who holds a package agency.

~~[(87)]~~ (88) "Patron" means an individual to whom food, beverages, or services are sold, offered for sale, or furnished, or who consumes an alcoholic product including:

(a) a customer;

(b) a member;

(c) a guest;

(d) an attendee of a banquet or event;

(e) an individual who receives room service;

(f) a resident of a resort; or

(g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity license.

~~[(88)]~~ (89)

(a) "Performing arts facility" means a multi-use performance space that:

(i) is primarily used to present various types of performing arts, including dance, music, and theater;

(ii) contains over 2,500 seats;

(iii) is owned and operated by a governmental entity; and

(iv) is located in a city of the first class.

## SB0328S01 compared with SB0328S02

- 586 (b) "Performing arts facility" does not include a space that is used to present sporting events or sporting  
competitions.
- 588 ~~[(89)]~~ (90) "Permittee" means a person issued a permit under:
- 589 (a) Chapter 9, Event Permit Act; or
- 590 (b) Chapter 10, Special Use Permit Act.
- 591 ~~[(90)]~~ (91) "Person subject to administrative action" means:
- 592 (a) a licensee;
- 593 (b) a permittee;
- 594 (c) a manufacturer;
- 595 (d) a supplier;
- 596 (e) an importer;
- 597 (f) one of the following holding a certificate of approval:
- 598 (i) an out-of-state brewer;
- 599 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 600 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 601 (g) staff of:
- 602 (i) a person listed in Subsections ~~[(90)(a)]~~ (91)(a) through (f); or
- 603 (ii) a package agent.
- 604 ~~[(91)]~~ (92) "Premises" means a building, enclosure, or room used in connection with the storage, sale,  
furnishing, consumption, manufacture, or distribution, of an alcoholic product, unless otherwise  
defined in this title or rules made by the commission.
- 607 ~~[(92)]~~ (93) "Prescription" means an order issued by a health care practitioner when:
- 608 (a) the health care practitioner is licensed under Title 58, Occupations and Professions, to prescribe a  
controlled substance, other drug, or device for medicinal purposes;
- 610 (b) the order is made in the course of that health care practitioner's professional practice; and
- 612 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 613 ~~[(93)]~~ (94)
- (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 614 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 615 ~~[(94)]~~ (95) "Principal license" means:
- 616 (a) a resort license;

## SB0328S01 compared with SB0328S02

617 (b) a hotel license; or  
618 (c) an arena license.  
619 ~~[(95)]~~ (96)  
(a) "Private event" means a specific social, business, or recreational event:  
620 (i) for which an entire room, area, or hall is leased or rented in advance by an identified group; and  
622 (ii) that is limited in attendance to people who are specifically designated and their guests.  
624 (b) "Private event" does not include an event to which the general public is invited, whether for an  
admission fee or not.  
626 ~~[(96)]~~ (97) "Privately sponsored event" means a specific social, business, or recreational event:  
628 (a) that is held in or on the premises of an on-premise banquet licensee; and  
629 (b) to which entry is restricted by an admission fee.  
630 ~~[(97)]~~ (98)  
(a) "Proof of age" means:  
631 (i) an identification card;  
632 (ii) an identification that:  
633 (A) is substantially similar to an identification card;  
634 (B) is issued in accordance with the laws of a state other than Utah in which the identification is issued;  
636 (C) includes date of birth; and  
637 (D) has a picture affixed;  
638 (iii) a valid driver license certificate that:  
639 (A) includes date of birth;  
640 (B) has a picture affixed; and  
641 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in accordance with the laws of  
the state in which it is issued, or in accordance with federal law by the United States Department of  
State;  
644 (iv) a military identification card that:  
645 (A) includes date of birth; and  
646 (B) has a picture affixed; or  
647 (v) a valid passport.  
648 (b) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.  
650 ~~[(98)]~~ (99) "Provisions applicable to a sublicense" means:

## SB0328S01 compared with SB0328S02

- 651 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service restaurant license  
under Chapter 6, Part 2, Full-Service Restaurant License;
- 653 (b) for a limited-service restaurant sublicense, the provisions applicable to a limited-service restaurant  
license under Chapter 6, Part 3, Limited-Service Restaurant License;
- 656 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment license under  
Chapter 6, Part 4, Bar Establishment License;
- 658 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise banquet license  
under Chapter 6, Part 6, On-Premise Banquet License;
- 660 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise beer retailer  
license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 662 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only restaurant license  
under Chapter 6, Part 9, Beer-Only Restaurant License;
- 664 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity license under  
Chapter 6, Part 10, Hospitality Amenity License; and
- 666 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d, Part 2, Resort Spa  
Sublicense.
- 668 ~~[(99)]~~ (100)
- (a) "Public building" means a building or permanent structure that is:
- 669 (i) owned or leased by:
- 670 (A) the state; or
- 671 (B) a local government entity; and
- 672 (ii) used for:
- 673 (A) public education;
- 674 (B) transacting public business; or
- 675 (C) regularly conducting government activities.
- 676 (b) "Public building" does not include a building owned by the state or a local government entity when  
the building is used by a person, in whole or in part, for a proprietary function.
- 679 ~~[(100)]~~ (101) "Public conveyance" means a conveyance that the public or a portion of the public has  
access to and a right to use for transportation, including an airline, railroad, bus, boat, or other public  
conveyance.
- 682 ~~[(101)]~~ (102) "Reception center" means a business that:

## SB0328S01 compared with SB0328S02

683 (a) operates facilities that are at least 5,000 square feet; and  
684 (b) has as its primary purpose the leasing of the facilities described in Subsection ~~[(101)(a)]~~ (102)(a) to  
a third party for the third party's event.

686 ~~[(102)]~~ (103) "Reception center license" means a license issued in accordance with Chapter 5, Retail  
License Act, and Chapter 6, Part 8, Reception Center License.

688 ~~[(103)]~~ (104)

(a) "Record" means information that is:

689 (i) inscribed on a tangible medium; or  
690 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

691 (b) "Record" includes:

692 (i) a book;  
693 (ii) a book of account;  
694 (iii) a paper;  
695 (iv) a contract;  
696 (v) an agreement;  
697 (vi) a document; or  
698 (vii) a recording in any medium.

699 ~~[(104)]~~ (105) "Residence" means a person's principal place of abode within Utah.

700 ~~[(105)]~~ (106) "Resident," in relation to a resort, means the same as that term is defined in Section  
32B-8-102.

702 ~~[(106)]~~ (107) "Resort" means the same as that term is defined in Section 32B-8-102.

703 ~~[(107)]~~ (108) "Resort facility" is as defined by the commission by rule.

704 ~~[(108)]~~ (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License Act,  
and Chapter 8, Resort License Act.

706 ~~[(109)]~~ (110) "Responsible alcohol service plan" means a written set of policies and procedures that  
outlines measures to prevent employees from:

708 (a) over-serving alcoholic beverages to customers;  
709 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated; and  
711 (c) serving alcoholic beverages to minors.

712 ~~[(110)]~~ (111) "Restaurant" means a business location:

713 (a) at which a variety of foods are prepared;



## SB0328S01 compared with SB0328S02

- 714 (b) at which complete meals are served; and  
715 (c) that is engaged primarily in serving meals.
- 716 ~~[(111)]~~ (112) "Restaurant license" means one of the following licenses issued under this title:
- 717 (a) a full-service restaurant license;  
718 (b) a limited-service restaurant license; or  
719 (c) a beer-only restaurant license.
- 720 ~~[(112)]~~ (113) "Restaurant venue" means a room within a restaurant that:
- 721 (a) is located on the licensed premises of a restaurant licensee;  
722 (b) is separated from the area within the restaurant for a patron's consumption of food by a permanent,  
opaque, floor-to-ceiling wall such that the inside of the room is not visible to a patron in the area  
within the restaurant for a patron's consumption of food; and  
726 (c)  
(i) has at least 1,000 square feet that:  
727 (A) may be reserved for a banquet; and  
728 (B) accommodates at least 75 individuals; or  
729 (ii) if the restaurant is located in a small or unincorporated locality, has an appropriate amount of space,  
as determined by the commission, that may be reserved for a banquet.
- 732 ~~[(113)]~~ (114) "Retail license" means one of the following licenses issued under this title:
- 733 (a) a full-service restaurant license;  
734 (b) a master full-service restaurant license;  
735 (c) a limited-service restaurant license;  
736 (d) a master limited-service restaurant license;  
737 (e) a bar establishment license;  
738 (f) an airport lounge license;  
739 (g) an on-premise banquet license;  
740 (h) an on-premise beer license;  
741 (i) a reception center license;  
742 (j) a beer-only restaurant license;  
743 (k) a hospitality amenity license;  
744 (l) a resort license;  
745 (m) a hotel license; or

## SB0328S01 compared with SB0328S02

- 746 (n) an arena license.
- 747 [~~(114)~~] (115) "Room service" means furnishing an alcoholic product to a person in a guest room or  
privately owned dwelling unit of a:
- 749 (a) hotel; or
- 750 (b) resort facility.
- 751 [~~(115)~~] (116)
- (a) "School" means a building in which any part is used for more than three hours each weekday during  
a school year as a public or private:
- 753 (i) elementary school;
- 754 (ii) secondary school; or
- 755 (iii) kindergarten.
- 756 (b) "School" does not include:
- 757 (i) a nursery school;
- 758 (ii) a day care center;
- 759 (iii) a trade and technical school;
- 760 (iv) a preschool;
- 761 (v) a home school;
- 762 (vi) a home-based microschool as defined in Section 53G-6-201; or
- 763 (vii) a micro-education entity as defined in Section 53G-6-201.
- 764 [~~(116)~~] (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for  
additional flavoring that is different in type, flavor, or brand from the primary spirituous liquor in  
the beverage.
- 767 [~~(117)~~] (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for  
consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,  
delivered for value, or by a means or under a pretext is promised or obtained, whether done by a  
person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules made  
by the commission.
- 772 [~~(118)~~] (119) "Serve" means to place an alcoholic product before an individual.
- 773 [~~(119)~~] (120) "Sexually oriented entertainer" means a person who while in a state of seminudity appears  
at or performs:
- 775 (a) for the entertainment of one or more patrons;

## SB0328S01 compared with SB0328S02

- 776 (b) on the premises of:  
777 (i) a bar licensee; or  
778 (ii) a tavern;  
779 (c) on behalf of or at the request of the licensee described in Subsection ~~[(119)(b)]~~ (120)(b);  
781 (d) on a contractual or voluntary basis; and  
782 (e) whether or not the person is designated as:  
783 (i) an employee;  
784 (ii) an independent contractor;  
785 (iii) an agent of the licensee; or  
786 (iv) a different type of classification.
- 787 ~~[(120)]~~ (121) "Shared seating area" means the licensed premises of two or more restaurant licensees  
that the restaurant licensees share as an area for alcoholic beverage consumption in accordance with  
Subsection 32B-5-207(3).
- 790 ~~[(121)]~~ (122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3, Single  
Event Permit.
- 792 ~~[(122)]~~ (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer, heavy  
beer, and flavored malt beverage per year, as the department calculates by:  
794 (a) if the brewer is part of a controlled group of manufacturers, including the combined volume totals of  
production for all breweries that constitute the controlled group of manufacturers; and  
797 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:  
798 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission determines by  
rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
801 (ii) does not sell for consumption as, or in, a beverage.
- 802 ~~[(123)]~~ (124) "Small or unincorporated locality" means:  
803 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;  
804 (b) a town, as classified under Section 10-2-301; or  
805 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified under Section  
17-50-501.
- 807 ~~[(124)]~~ (125) "Spa sublicense" means a sublicense:  
808 (a) to a resort license or hotel license; and  
809 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa Sublicense.

## SB0328S01 compared with SB0328S02

- 811 ~~[(125)]~~ (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special Use  
Permit Act.
- 813 ~~[(126)]~~ (127)
- (a) "Spirituuous liquor" means liquor that is distilled.
- 814 (b) "Spirituuous liquor" includes an alcoholic product defined as a "distilled spirit" by 27 U.S.C. Sec. 211  
and 27 C.F.R. ~~[See]~~ Secs. 5.11 through 5.23.
- 816 ~~[(127)]~~ (128) "Sports center" is as defined by the commission by rule.
- 817 ~~[(128)]~~ (129)
- (a) "Staff" means an individual who engages in activity governed by this title:
- 819 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate holder;
- 821 (ii) at the request of the business, including a package agent, licensee, permittee, or certificate  
holder; or
- 823 (iii) under the authority of the business, including a package agent, licensee, permittee, or certificate  
holder.
- 825 (b) "Staff" includes:
- 826 (i) an officer;
- 827 (ii) a director;
- 828 (iii) an employee;
- 829 (iv) personnel management;
- 830 (v) an agent of the licensee, including a managing agent;
- 831 (vi) an operator; or
- 832 (vii) a representative.
- 833 ~~[(129)]~~ (130) "State of nudity" means:
- 834 (a) the appearance of:
- 835 (i) the nipple or areola of a female human breast;
- 836 (ii) a human genital;
- 837 (iii) a human pubic area; or
- 838 (iv) a human anus; or
- 839 (b) a state of dress that fails to opaquely cover:
- 840 (i) the nipple or areola of a female human breast;
- 841 (ii) a human genital;

## SB0328S01 compared with SB0328S02

- 842 (iii) a human pubic area; or  
843 (iv) a human anus.
- 844 ~~[(130)]~~ (131) "State of seminudity" means a state of dress in which opaque clothing covers no more  
than:
- 846 (a) the nipple and areola of the female human breast in a shape and color other than the natural shape  
and color of the nipple and areola; and
- 848 (b) the human genitals, pubic area, and anus:
- 849 (i) with no less than the following at its widest point:
- 850 (A) four inches coverage width in the front of the human body; and
- 851 (B) five inches coverage width in the back of the human body; and
- 852 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 853 ~~[(131)]~~ (132)
- (a) "State store" means a facility for the sale of packaged liquor:
- 854 (i) located on premises owned or leased by the state; and
- 855 (ii) operated by a state employee.
- 856 (b) "State store" does not include:
- 857 (i) a package agency;
- 858 (ii) a licensee; or
- 859 (iii) a permittee.
- 860 ~~[(132)]~~ (133)
- (a) "Storage area" means an area on licensed premises where the licensee stores an alcoholic product.
- 862 (b) "Store" means to place or maintain in a location an alcoholic product.
- 863 ~~[(133)]~~ (134) "Sublicense" means:
- 864 (a) any of the following licenses issued as a subordinate license to, and contingent on the issuance of, a  
principal license:
- 866 (i) a full-service restaurant license;
- 867 (ii) a limited-service restaurant license;
- 868 (iii) a bar establishment license;
- 869 (iv) an on-premise banquet license;
- 870 (v) an on-premise beer retailer license;
- 871 (vi) a beer-only restaurant license; or

## SB0328S01 compared with SB0328S02

- 872 (vii) a hospitality amenity license; or  
873 (b) a spa sublicense.
- 874 ~~[(134)]~~ (135) "Supplier" means a person who sells an alcoholic product to the department.  
875 ~~[(135)]~~ (136) "Tavern" means an on-premise beer retailer who is:  
876 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act, and Chapter 6,  
Part 7, On-Premise Beer Retailer License; and  
877 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7, On-Premise Beer  
Retailer License.
- 880 ~~[(136)]~~ (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9, Part  
4, Temporary Beer Event Permit.
- 882 ~~[(137)]~~ (138) "Temporary domicile" means the principal place of abode within Utah of a person who  
does not have a present intention to continue residency within Utah permanently or indefinitely.
- 885 ~~[(138)]~~ (139) "Translucent" means a substance that allows light to pass through, but does not allow an  
object or person to be seen through the substance.
- 887 ~~[(139)]~~ (140) "Unsaleable liquor merchandise" means a container that:  
888 (a) is unsaleable because the container is:  
889 (i) unlabeled;  
890 (ii) leaky;  
891 (iii) damaged;  
892 (iv) difficult to open; or  
893 (v) partly filled;  
894 (b)  
(i) has faded labels or defective caps or corks;  
895 (ii) has contents that are:  
896 (A) cloudy;  
897 (B) spoiled; or  
898 (C) chemically determined to be impure; or  
899 (iii) contains:  
900 (A) sediment; or  
901 (B) a foreign substance; or  
902 (c) is otherwise considered by the department as unfit for sale.

## SB0328S01 compared with SB0328S02

903 [(140)] (141)

(a) "Wine" means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.

906 (b) "Wine" includes:

907 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 4.10; and

909 (ii) hard cider.

910 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in this title.

912 [(141)] (142) "Winery manufacturing license" means a license issued in accordance with Chapter 11, Part 3, Winery Manufacturing License.

914 {Section 2. ~~Section 32B-1-202 is amended to read:~~}

915 **32B-1-202. Proximity to community location.**

916 (1) As used in this section:

917 (a) "Alcohol overlay district" means a contiguous 36 acres of land within the boundaries of the point of the mountain state land.

919 [(a)] (b) "Designated project area zone" means the area that is:

920 (i) bounded by:

921 (A) South Temple Street;

922 (B) 100 South Street;

923 (C) West Temple Street; and

924 (D) 400 West Street; and

925 (ii) within a project area as defined in Section 63N-3-1401.

926 [(b)] (c)

(i) "Outlet" means:

927 (A) a state store;

928 (B) a package agency; or

929 (C) a retail licensee.

930 (ii) "Outlet" does not include:

931 (A) an airport lounge licensee; or

932 (B) a restaurant.

933 (d) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.

935 [(e)] (e) "Restaurant" means:

## SB0328S01 compared with SB0328S02

- 936 (i) a full-service restaurant licensee;  
937 (ii) a limited-service restaurant licensee;  
938 (iii) a beer-only restaurant licensee; or  
939 (iv) a restaurant venue on-premise banquet licensee.  
940 (2)
- (a) Except as otherwise provided in this section or Section 32B-1-202.1, the commission may not issue a license for an outlet if, on the date the commission takes final action to approve or deny the application, there is a community location:
- 943 (i) within 600 feet of the proposed outlet, as measured from the nearest patron entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or  
946 (ii) within 200 feet of the proposed outlet, measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community location.
- 949 (b) Except as otherwise provided in this section or Section 32B-1-202.1, the commission may not issue a license for a restaurant if, on the date the commission takes final action to approve or deny the application, there is a community location:
- 952 (i) within 300 feet of the proposed restaurant, as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or  
955 (ii) within 200 feet of the proposed restaurant, measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.
- 958 (c) Except as otherwise provided in this section or Section 32B-1-202.1, the commission may not issue a license for an outlet or a restaurant if a local authority does not include in the written consent of the local authority an acknowledgment and authorization of the outlet's or the restaurant's proximity to:
- 962 (i) a public playground; or  
963 (ii) a public park.
- 964 (d) A local authority, when acknowledging and authorizing an outlet's or restaurant's proximity in the written consent of the local authority, may not refuse to acknowledge and authorize an outlet or restaurant within the same distance from a park or playground consistently.
- 968 (3)



## SB0328S01 compared with SB0328S02

(a) For an outlet or a restaurant that holds a license on May 9, 2017, and operates under a previously approved variance to one or more proximity requirements in effect before May 9, 2017, subject to the other provisions of this title, that outlet or restaurant, or another outlet or restaurant with the same type of license as that outlet or restaurant, may operate under the previously approved variance regardless of whether:

(i) the outlet or restaurant changes ownership;

(ii) the property on which the outlet or restaurant is located changes ownership; or

(iii) there is a lapse in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse, the property is used for a different purpose.

(b) An outlet or a restaurant that has continuously operated at a location since before January 1, 2007, is considered to have a previously approved variance.

(4) An outlet or restaurant that holds a license on May 12, 2020, and operates in accordance with the proximity requirements in effect at the time the commission issued the license or operates under a previously approved variance described in Subsection (3), subject to the other provisions of this title, that outlet or restaurant or an outlet or a restaurant with the same type of license as that outlet or restaurant may operate at the premises regardless of whether:

(a) the outlet or restaurant changes ownership;

(b) the property on which the outlet or restaurant is located changes ownership; or

(c) there is a lapse of one year or less in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse the property is used for a different purpose.

(5)

(a) If, after an outlet or a restaurant obtains a license under this title, a person establishes a community location on a property that puts the outlet or restaurant in violation of the proximity requirements in effect at the time the license is issued or a previously approved variance described in Subsection (3), subject to the other provisions of this title, that outlet or restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant, may operate at the premises regardless of whether:

(i) the outlet or restaurant changes ownership;

(ii) the property on which the outlet or restaurant is located changes ownership; or

(iii) there is a lapse in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse the property is used for a different purpose.

## SB0328S01 compared with SB0328S02

- 1004 (b) The provisions of this Subsection (5) apply regardless of when the outlet's or restaurant's license is issued.
- 1006 (6) The proximity requirements described in Subsection (2) do not apply if the proposed outlet or proposed restaurant and the community location are located within the boundaries of a designated project area zone or an alcohol overlay district.
- 1009 (7) Nothing in this section prevents the commission from considering the proximity of an educational, religious, and recreational facility, or any other relevant factor in reaching a decision on a proposed location of an outlet.

1012 {Section 3. ~~Section 32B-1-407 is amended to read:~~}

### 1013 **32B-1-407. Verification of proof of age by applicable licensees.**

- 1014 (1) As used in this section, "applicable licensee" means:
- 1015 (a) a dining club;
- 1016 (b) a bar;
- 1017 (c) a tavern;
- 1018 (d) a full-service restaurant;
- 1019 (e) a limited-service restaurant; or
- 1020 (f) a beer-only restaurant.
- 1021 (2) Notwithstanding any other provision of this part, an applicable licensee shall require that an authorized person for the applicable licensee verify proof of age as provided in this section.
- 1024 (3) An authorized person is required to verify proof of age under this section before an individual[~~who appears to be 35 years of age or younger~~]:
- 1026 (a) gains admittance to the premises of a bar licensee or tavern;
- 1027 (b) procures an alcoholic product on the premises of a dining club licensee; or
- 1028 (c) procures an alcoholic product in a dispensing area in the premises of a full-service restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee.
- 1031 (4) To comply with Subsection (3), an authorized person shall:
- 1032 (a) request the individual present proof of age; and
- 1033 (b)
- (i) verify the validity of the proof of age electronically under the verification program created in Subsection (5); or

1035

## SB0328S01 compared with SB0328S02

(ii) if the proof of age cannot be electronically verified as provided in Subsection (4)(b)(i), request that the individual comply with a process established by the commission by rule.

(5)

(a) The commission shall establish by rule an electronic verification program that includes the following:

~~[(a)]~~ (i) the specifications for the technology used by the applicable licensee to electronically verify proof of age, including that the technology display to the person described in Subsection (2) no more than the following for the individual who presents the proof of age:

~~[(i)]~~ (A) the name;

~~[(ii)]~~ (B) the age;

~~[(iii)]~~ (C) the number assigned to the individual's proof of age by the issuing authority;

~~[(iv)]~~ (D) the birth date;

~~[(v)]~~ (E) the gender; and

~~[(vi)]~~ (F) the status and expiration date of the individual's proof of age; and

~~[(b)]~~ (ii) the security measures that shall be used by an applicable licensee to ensure that information obtained under this section is:

~~[(i)]~~ (A) used by the applicable licensee only for purposes of verifying proof of age in accordance with this section; and

~~[(ii)]~~ (B) retained by the applicable licensee for seven days after the day on which the applicable licensee obtains the information.

(b) The commission shall ensure that the electronic verification program described in Subsection (5) (a) includes technology that recognizes every state's unique hidden security features located on state issued identification cards to determine the validity of that particular card.

(6)

(a) An applicable licensee may not disclose information obtained under this section except as provided under this title.

(b) Information obtained under this section is considered a record for any purpose under Chapter 5, Part 3, Retail Licensee Operational Requirements.

~~{Section 4. Section 32B-1-603.5 is amended to read: }~~

**32B-1-603.5. Requirements for beer flavorings -- Procedure for approval -- Department review.**

## SB0328S01 compared with SB0328S02

- 1068 (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based  
flavoring agent as described in Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii) may not  
sell or distribute the beer in the state unless the manufacturer obtains:
- 1072 (a) the department's approval to sell or distribute the beer under this section; and
- 1073 (b) the department's approval of the label and packaging of the beer under Sections 32B-1-604 through  
32B-1-606.
- 1075 (2)
- (a) To obtain approval to sell or distribute a beer that contains a propylene glycol-, ethyl alcohol-, or  
ethanol-based flavoring agent as described in Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)  
(iii), the manufacturer of the beer shall submit an application to the department for approval.
- 1079 (b) The application shall require:
- 1080 (i) a copy of:
- 1081 (A) the statement of process and formula filed with the federal Alcohol and Tobacco Tax and Trade  
Bureau under 27 C.F.R. Sec. 25.55 for the beer; and
- 1083 (B) the formula approval from the federal Alcohol and Tobacco Tax and Trade Bureau for the beer;
- 1085 (ii) a complete list of each propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent in the  
beer;
- 1087 (iii) a description of the total amount of alcohol each propylene glycol-, ethyl alcohol-, or ethanol-based  
flavoring agent contributes to the beer; and
- 1089 (iv) other information required by the department to determine whether the beer complies with  
Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 1091 (3) The department may:
- 1092 (a) assess a fee established under Section 63J-1-504 for reviewing an application for approval under this  
section; and
- 1094 (b) approve a manufacturer's application to sell or distribute a beer that contains a propylene glycol-,  
ethyl alcohol-, or ethanol-based flavoring agent after determining that the beer complies with  
Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 1097 (4) If a manufacturer of a beer revises the formula for the beer that the department approved for sale or  
distribution, the manufacturer shall obtain the department's approval for the revised formula before  
selling or distributing the beer.
- 1100 (5)

## SB0328S01 compared with SB0328S02

(a) The department may revoke a previous approval under this section upon determining that the beer is not in compliance with this title or the rules of the commission.

1103 (b) The department shall notify the manufacturer that applied for an approval under this section at least 30 business days before the day on which the approval is revoked.

1105 (c) Within 20 business days after the day on which a manufacturer receives the notice under Subsection (5)(b), the manufacturer may present a written argument or evidence to the department regarding why the revocation should not occur.

1108 (6)

(a) A manufacturer that applies for approval under this section may appeal a denial or revocation of the approval to the commission.

1110 (b) During the period in which a manufacturer appeals a denial or revocation to the commission under Subsection (6)(a), the denial or revocation remains in force.

1112 ~~{Section 5. Section 32B-1-607 is amended to read: }~~

1113 **32B-1-607. Rulemaking authority.**

1114 (1) The commission may adopt rules necessary to implement this part.

1115 (2) Notwithstanding Subsections ~~[32B-1-102(12)]~~ 32B-1-102(13) and ~~[(51)]~~ (52), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules that allow for a tolerance in the alcohol content of beer or heavy beer as follows:

1119 (a) up to 0.18% above or below when measured by volume; or

1120 (b) up to 0.15% above or below when measured by weight.

1121 ~~{Section 6. Section 32B-1-704 is amended to read: }~~

1122 **32B-1-704. Department training programs.**

1123 (1) ~~[No later than January 1, 2018, the]~~ The department shall develop the following training programs that are provided either in-person or online:

1125 (a) a training program for retail managers that addresses:

1126 (i) the statutes and rules that govern alcohol sales and consumption in the state;

1127 (ii) the requirements for operating as a retail licensee;

1128 (iii) using compliance assistance from the department; and

1129 (iv) any other topic the department determines beneficial to a retail manager; and

1130

## SB0328S01 compared with SB0328S02

(b) a training program for an individual employed by a retail licensee or an off-premise beer retailer who violates a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor, that addresses:

(i) the statutes and rules that govern the most common types of violations under this title;

(ii) how to avoid common violations; and

(iii) any other topic the department determines beneficial to the training program.

(2) ~~[No later than January 1, 2019, the]~~ The department shall develop a training program for off-premise retail managers that is provided either in-person or online and addresses:

(a) the statutes and rules that govern sales at an off-premise beer retailer;

(b) the requirements for operating an off-premise beer retailer;

(c) using compliance assistance from the department; and

(d) any other topic the department determines beneficial to an off-premise retail manager.

(3) The department shall develop a training program for an authorized person, as that term is defined in Section 32B-1-402, to properly verify whether an individual is an interdicted person.

~~[(3)]~~ (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this section, the department shall make rules to develop and implement the training programs described in this section, including rules that establish:

(a) the requirements for each training program described in this section;

(b) measures that accurately identify each individual who takes and completes a training program;

(c) measures that ensure an individual taking a training program is focused and actively engaged in the training material throughout the training program;

(d) a record that certifies that an individual has completed a training program; and

(e) a fee for participation in a training program to cover the department's cost of providing the training program.

~~[(4)]~~ (5)

(a) Each retail manager shall complete the training described in Subsection (1)(a) no later than the later of:

(i) 30 days after the day on which the retail manager is hired; or

(ii) the day on which the retail licensee obtains a retail license.

(b) Each off-premise retail manager shall complete the training described in Subsection (2) no later than the later of:

## SB0328S01 compared with SB0328S02

- 1164 (i) 30 days after the day on which the off-premise retail manager is hired; or  
1165 (ii) 30 days after the day on which the off-premise beer retailer obtains an off-premise beer retailer state  
license.  
1167 (c)  
(i) If the commission finds that a retail licensee violated a provision of this title related to the sale,  
service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor for a second  
time within 36 consecutive months after the day on which the first violation was adjudicated, the  
violation, all retail staff, and each retail manager shall complete the training program described in  
Subsection (1)(b).  
1172 (ii) If the commission finds that an off-premise beer retailer violated a provision of this title related to  
the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor for a  
second time within 36 consecutive months after the day on which the first violation was adjudicated,  
the violator and each off-premise retail manager shall complete the training program described in  
Subsection (1)(b).  
1178 ~~[(5)]~~ (6) If an individual fails to complete a required training program under this section:  
1179 (a) the commission may suspend, revoke, or not renew the retail license or off-premise beer retailer  
state license;  
1181 (b) a city, town, or county in which the retail licensee or off-premise beer retailer is located may  
suspend, revoke, or not renew the retail licensee's or off-premise beer retailer's business license; or  
1184 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's license.  
1186 {Section 7. Section 32B-2-304 is amended to read: }  
1187 **32B-2-304. Liquor price -- Remittance of markup -- School lunch program -- Remittance of  
markup.**  
1189 (1) For purposes of this section:  
1190 (a)  
(i) "Landed case cost" means the sum of:  
1191 (A) the cost of the product;  
1192 (B) inbound shipping costs the department incurs; and  
1193 (C) case handling costs the department incurs.  
1194 (ii) "Landed case cost" does not include the outbound shipping cost from a warehouse of the department  
to a state store.

## SB0328S01 compared with SB0328S02

- 1196 (b) "Proof gallon" means the same as that term is defined in 26 U.S.C. Sec. 5002.
- 1197 (2) Except as provided in Subsections (3) and (4):
- 1198 (a) spirituous liquor sold by the department within the state shall be marked up in an amount not less  
than ~~[88.5%]~~ 88.85% above the landed case cost to the department;
- 1200 (b) wine sold by the department within the state shall be marked up in an amount not less than  
~~[88.5%]~~ 88.85% above the landed case cost to the department;
- 1202 (c) heavy beer sold by the department within the state shall be marked up in an amount not less than  
66.5% above the landed case cost to the department; and
- 1204 (d) a flavored malt beverage sold by the department within the state shall be marked up in an amount  
not less than 88.5% above the landed case cost to the department.
- 1206 (3)
- (a) Liquor sold by the department to a military installation in Utah shall be marked up in an amount not  
less than 17% above the landed case cost to the department.
- 1208 (b) Except for spirituous liquor sold by the department to a military installation in Utah, spirituous  
liquor that is sold by the department within the state shall be marked up 49% above the landed case  
cost to the department if:
- 1211 (i) the spirituous liquor is manufactured by a manufacturer producing less than 30,000 proof gallons of  
spirituous liquor in a calendar year; and
- 1213 (ii) the manufacturer applies to the department for a reduced markup.
- 1214 (c) Except for wine sold by the department to a military installation in Utah, wine that is sold by the  
department within the state shall be marked up 49% above the landed case cost to the department if:
- 1217 (i)
- (A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a manufacturer  
producing less than 20,000 gallons of wine in a calendar year; or
- 1219 (B) for hard cider, the hard cider is manufactured by a manufacturer producing less than 620,000  
gallons of hard cider in a calendar year; and
- 1221 (ii) the manufacturer applies to the department for a reduced markup.
- 1222 (d) Except for heavy beer sold by the department to a military installation in Utah, heavy beer that is  
sold by the department within the state shall be marked up 32% above the landed case cost to the  
department if:
- 1225 (i) a small brewer manufactures the heavy beer; and



## SB0328S01 compared with SB0328S02

- 1226 (ii) the small brewer applies to the department for a reduced markup.
- 1227 (e) The department shall:
- 1228 (i) for purposes of Subsections (3)(b) and (c), calculate the production amount of a manufacturer:
- 1230 (A) by, if the manufacturer is part of a controlled group of manufacturers, including the combined  
volume totals of spirituous liquor, wine, or cider, as applicable, for all manufacturers that constitute  
the controlled group of manufacturers; and
- 1234 (B) without considering the manufacturer's production of any other type of alcoholic product; and
- 1236 (ii) verify that a manufacturer meets a production amount described in Subsection (3)(b) or (c) and the  
production amount of a small brewer under a federal or other verifiable production report.
- 1239 (f) A manufacturer seeking to obtain a reduced markup under Subsection (3)(b), (c), or (d), shall  
provide to the department any documentation or information the department determines necessary to  
determine if the manufacturer is part of a controlled group of manufacturers.
- 1243 (g) The department may, at any time, revoke a reduced markup granted to a manufacturer under  
Subsection (3)(b), (c), or (d), if the department determines the manufacturer no longer qualifies for  
the reduced markup.
- 1246 (4) Wine the department purchases on behalf of a subscriber through the wine subscription program  
established in Section 32B-2-702 shall be marked up not less than [~~88.5%~~] 88.85% above the cost of  
the subscription for the interval in which the wine is purchased.
- 1249 (5) The department shall deposit 10% of the total gross revenue from sales of liquor with the state  
treasurer to be credited to the Uniform School Fund and used to support the school meals program  
administered by the State Board of Education under Section 53E-3-510.
- 1253 (6)
- (a) Each month, the department shall collect from each package agency located at a manufacturing  
facility owned or operated by a person licensed under Chapter 11, Manufacturing and Related  
Licenses Act[;] :
- 1256 (i) [~~-~~]12.295% of the package agency's reported monthly revenue and deposit the money as follows:
- 1258 [(i)] (A) 1.695% of the reported monthly revenue into the Alcoholic Beverage Control Act Enforcement  
Fund;
- 1260 [(ii)] (B) 10% of the reported monthly revenue into the Uniform School Fund and used to support the  
school meals program administered by the State Board of Education under Section 53E-3-510; and
- 1263

## SB0328S01 compared with SB0328S02

[~~(iii)~~] (C) 0.60% of the reported monthly revenue into the Underage Drinking Prevention Media and Education Campaign Restricted Account[-] ; and

(ii) for deposit into the Inmate Education Restricted Account created under Section 64-13-42:

(A) the amount generated by a markup of 0.35% above the landed case cost to the department as required under Subsections (2)(a) and (2)(b); and

(B) the amount generated by a markup of 0.35% above the cost of the subscription described in Subsection (4).

(b) The department may collect a fee established in accordance with Section 63J-1-504 from a package agency described in this subsection to cover the costs of regulation.

(7) This section does not prohibit the department from selling discontinued items at a discount.

(8) The Legislature shall annually appropriate to support substance use disorder treatment services, an amount equal to the revenue generated from a 0.5% markup above the landed case cost to the department on spirituous liquor.

~~{Section 8. Section 32B-4-405 is amended to read: }~~

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

(1) A person may not sell, offer for sale, or furnish an alcoholic product to a known interdicted person.

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

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

(a) under an order of a health care practitioner who is authorized by law to write a prescription; or

(b) administered by a hospital or health care practitioner authorized by law to administer the alcoholic product for medicinal purposes.

Section 1. Section **32B-5-201** is amended to read:

### **32B-5-201. Application requirements for retail license.**

(1)

(a) Before a person may store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a retail license issued

## SB0328S01 compared with SB0328S02

by the commission, notwithstanding whether the person holds a local license or a permit issued by a local authority.

- 1298 (b) Violation of this Subsection (1) is a class B misdemeanor.
- 1299 (2) To obtain a retail license under this title, a person shall submit to the department:
- 1300 (a) a written application in a form prescribed by the department;
- 1301 (b) a nonrefundable application fee in the amount specified in the relevant chapter or part for the type of  
retail license for which the person is applying;
- 1303 (c) an initial license fee:
- 1304 (i) in the amount specified in the relevant chapter or part for the type of retail license for which the  
person is applying; and
- 1306 (ii) that is refundable if a retail license is not issued;
- 1307 (d) written consent of the local authority, including, if applicable, consent for each proposed sublicense;
- 1309 (e) a copy of:
- 1310 (i) every license the local authority requires, including the person's current business license; and
- 1312 (ii) if the person is applying for a principal license, the current business license for each proposed  
sublicense, except if the local authority determines that the business license for a proposed  
sublicense is included in the person's current business license;
- 1316 (f) evidence of the proposed retail licensee's proximity to any community location, with proximity  
requirements being governed by Section 32B-1-202;
- 1318 (g) a bond as specified by Section 32B-5-204;
- 1319 (h) a floor plan, and boundary map where applicable, of the premises of the retail license and each, if  
any, accompanying sublicense, including any:
- 1321 (i) consumption area; and
- 1322 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic beverage;
- 1324 (i) evidence that the retail licensee carries public liability insurance in an amount and form satisfactory  
to the department;
- 1326 (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
- 1327 (i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
- 1328 (ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per occurrence and  
\$2,000,000 in the aggregate to cover both the principal license and all accompanying sublicenses; or
- 1331

## SB0328S01 compared with SB0328S02

- (iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and \$20,000,000 in the aggregate to cover both the arena license and all accompanying sublicenses;
- 1334 (k) a signed consent form stating that the retail licensee will permit any authorized representative of the  
commission, department, or any law enforcement officer to have unrestricted right to enter:
- 1337 (i) the premises of the retail licensee; and
- 1338 (ii) if applicable, the premises of each of the retail licensee's accompanying sublicenses;
- 1340 (l) if the person is an entity, proper verification evidencing that a person who signs the application is  
authorized to sign on behalf of the entity;
- 1342 (m) a responsible alcohol service plan;
- 1343 (n) evidence that each individual the person has hired to work as a retail manager, as defined in Section  
32B-1-701, has completed the alcohol training and education seminar as required under Chapter 1,  
Part 7, Alcohol Training and Education Act; and
- 1346 (o) any other information the commission or department may require.
- 1347 (3) The commission may not issue a retail license to a person who:
- 1348 (a) is disqualified under Section 32B-1-304; or
- 1349 (b) is not lawfully present in the United States.
- 1350 (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for which the  
person is applying, the commission may not issue a retail license to a person if the proposed licensed  
premises does not meet the proximity requirements of Section 32B-1-202.
- 1354 (5) ~~[The]~~ Subject to Subsection (6), the commission may not deny an application for a retail license,  
an application for a conditional retail license under Section 32B-5-205, or an application for a  
sublicense under Chapter 8d, Sublicense Act, if:
- 1357 (a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail License Act;  
and
- 1359 (b) for a retail license or a conditional retail license, granting the retail license or the conditional retail  
license would not cause the commission to exceed the maximum number of licenses of that retail  
license type that the commission is authorized to issue under this chapter.
- 1363 (6)
- (a) The commission may deny an application for a retail license, an application for a conditional retail  
license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense  
Act, if the commission determines that the applicant's violation history warrants the denial.

## SB0328S01 compared with SB0328S02

- 1367 (b) The commission, when making a determination under this Subsection (6), shall treat applicants with  
substantially similar violation histories consistently.
- 112 Section 2. Section **32B-5-304** is amended to read:
- 113 **32B-5-304. Portions in which alcoholic product may be sold.**
- 1371 (1)
- (a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title.
- 1375 (b) A retail license is not required to dispense spirituous liquor through a calibrated metered dispensing system if the spirituous liquor is:
- 1377 (i) a secondary flavoring ingredient;
- 1378 (ii) used as a flavoring on a dessert;
- 1379 (iii) used to set aflame a food dish, drink, or dessert;~~[-or]~~
- 1380 (iv) in a beverage that:
- 1381 (A) is served to a patron in the original, sealed container;
- 1382 (B) is not more than 12 ounces;
- 1383 (C) contains no more than 10% alcohol by volume or 8% by weight; and
- 1384 (D) is in a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high~~[-]~~ ; or
- 1386 (v) in a beverage that:
- 1387 (A) is served to a patron by pouring the beverage from the original sealed container, into a different container as required under Subsection 32-8d-104(5)(b);
- 1390 (B) is not more than 12 ounces;
- 1391 (C) contains no more than 10% alcohol by volume or 8% by weight; and
- 1392 (D) originates from a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high.
- 1394 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring ingredient shall:
- 1396 (i) designate a location where the retail licensee stores secondary flavoring ingredients on the floor plan the retail licensee submits to the department; and
- 1398 (ii) clearly and conspicuously label each secondary flavoring ingredient's container "flavorings".

## SB0328S01 compared with SB0328S02

- 1400 (d)
- (i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.
- 1401 (ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection (1)(b)(iv).
- 1403 (2)
- (a)
- (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an individual portion that does not exceed 5 ounces per glass or individual portion.
- 1405 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to a patron in more than one glass if the total amount of wine does not exceed 5 ounces.
- 1408 (b)
- (i) A retail licensee may sell, offer for sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.
- 1411 (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.
- 1414 (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale, or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed container not to exceed 16 ounces.
- 1417 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original container at a price fixed by the commission, except that the original container may not exceed one liter.
- 1420 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an original container at a price fixed by the commission, except that the original container may not exceed one liter.
- 1423 (5)
- (a)
- (i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or furnish beer for on-premise consumption:
- 1425 (A) in an open original container; and
- 1426 (B) in a container on draft.
- 1427 (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a)(i):
- 1429 (A) in a size of container that exceeds two liters; or
- 1430 (B) to an individual patron in a size of container that exceeds one liter.
- 1431 (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise consumption:

## SB0328S01 compared with SB0328S02

- 1432 (i) in a sealed container; and  
1433 (ii) in a size of container that does not exceed two liters.  
1434 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual patron if the total amount of beer does not exceed 16 ounces.

1436 ~~{Section 11. Section 32B-5-306 is amended to read: }~~

1437 **32B-5-306. Purchasing or selling alcoholic product.**

1438 (1)

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

1439 ~~[(a)]~~ (i) a minor;

1440 ~~[(b)]~~ (ii) a person actually, apparently, or obviously intoxicated;

1441 ~~[(c)]~~ (iii) a known interdicted person; or

1442 ~~[(d)]~~ (iv) a known habitual drunkard.

1443 (b) Prior to any sale or furnishing of an alcoholic product, a retail licensee shall verify whether the person is a minor or an interdicted person through examination of the person's identification card or license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or proof of age issued by another state or country.

1447 (2)

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

1449 (i) staff of the retail licensee; and

1450 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

1451 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only if the individual is:

1453 (i) staff of the retail licensee; and

1454 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

1455 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from staff of the retail licensee or carries bottled wine onto the retail licensee's premises pursuant to Section 32B-5-307 may thereafter serve wine from the bottle to the patron or others at the patron's table.

1459 (3) The following may not purchase an alcoholic product for a patron:

1460 (a) a retail licensee; or

1461 (b) staff of a retail licensee.

## SB0328S01 compared with SB0328S02

- 1462 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the retail licensee  
may transfer the retail licensee's inventory of alcoholic product from that premises to another  
premises licensed under this chapter that is owned by the same retail licensee.
- 1466 ~~{Section 12. Section 32B-5-307 is amended to read: }~~
- 1467 **32B-5-307. Bringing alcoholic product onto or removing alcoholic product from premises.**
- 1469 (1) Except as provided in Subsections (3)~~[-and]~~ , (4), and (6):
- 1470 (a) ~~[a person]~~ an individual may not bring onto the licensed premises of a retail licensee an alcoholic  
product for on-premise consumption;
- 1472 (b) a retail licensee may not allow a person to:
- 1473 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or
- 1474 (ii) consume an alcoholic product brought onto the licensed premises by a person other than the retail  
licensee; and
- 1476 (c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through a window or  
door to a location off the licensed premises or to a vehicular traffic area.
- 1478 (2) Except as provided in Subsections (3)~~[-and]~~ , (4), and (6) and Subsection 32B-4-415(5):
- 1479 (a) ~~[a person]~~ an individual may not carry from the licensed premises of a retail licensee an open  
container that:
- 1481 (i) is used primarily for drinking purposes; and
- 1482 (ii) contains an alcoholic product;
- 1483 (b) a retail licensee may not permit a patron to carry from the licensed premises an open container  
described in Subsection (2)(a); and
- 1485 (c)
- 1488 (i) ~~[a person]~~ an individual may not carry from the licensed premises of a retail licensee a sealed  
container of liquor that has been purchased from the retail licensee; and
- 1488 (ii) a retail licensee may not permit a patron to carry from the licensed premises of the retail licensee a  
sealed container of liquor that has been purchased from the retail licensee.
- 1491 (3)
- 1491 (a) A patron may bring a bottled wine onto the premises of a retail licensee for on-premise consumption  
if:
- 1493 (i) permitted by the retail licensee; and
- 1494 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.



## SB0328S01 compared with SB0328S02

- 1495 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the patron shall  
deliver the bottled wine to a server or other representative of the retail licensee upon entering the  
licensed premises.
- 1498 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a wine service for a  
bottled wine carried onto the licensed premises in accordance with this Subsection (3) or a bottled  
wine purchased at the licensed premises.
- 1501 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle of wine  
purchased at the licensed premises, or brought onto the licensed premises in accordance with this  
Subsection (3), only if before removal the bottle is recorked or recapped.
- 1505 (4) Neither a patron nor a retail licensee violates this section if:
- 1506 (a) the patron is in shared seating; and
- 1507 (b) the patron purchased the patron's alcoholic beverage from a restaurant licensee whose licensed  
premises include the shared seating area the patron is in.
- 1509 (5)
- (a) A patron may carry from a retail licensee's licensed premises a sealed container of beer that has been  
purchased from the retail licensee.
- 1511 (b) A retail licensee may permit a patron to carry from the retail licensee's licensed premises a sealed  
container of beer that has been purchased from the retail licensee.
- 1513 (6) A patron may transport beer between the licensed areas of a facility with both an on-premise beer  
retailer license and an on-premise banquet license if the patron transports the beer to and from an  
area of each licensed premises:
- 1516 (a) if the premises are contiguous; and
- 1517 (b) where the consumption of beer is permitted.

179 Section 3. Section **32B-5-308** is amended to read:

### 180 **32B-5-308. Requirements on staff or others on premises -- Employing a minor.**

- 1520 (1) As used in this section, "straw test" means a technique used by staff of a retail licensee to taste  
liquor to ensure the quality, flavor, and alcohol content of the liquor by:
- 1522 (a) dipping the straw into the liquor;
- 1523 (b) removing the straw in a manner that a small amount of liquor remains in the straw; and
- 1525 (c) tasting the small amount of liquor from the straw.
- 1526 [(1)] (2) [Staff] Except as provided in Subsection (5), staff of a retail licensee, while on duty, may not:

## SB0328S01 compared with SB0328S02

- 1528 (a) consume an alcoholic product; or  
1529 (b) be intoxicated.  
1530 ~~[(2)]~~ (3)  
(a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or dispense an alcoholic product.  
1532 (b) Notwithstanding Subsection ~~[(2)(a)]~~ (3)(a), unless otherwise prohibited in the provisions related to the specific type of retail license, a retail licensee may employ a minor who is at least 16 years ~~[of age]~~ old to enter the sale at a cash register or other sales recording device.  
1536 ~~[(3)]~~ (4) A full-service restaurant licensee, limited-service restaurant licensee, or beer-only restaurant licensee may employ a minor who is at least 16 years ~~[of age]~~ old to bus tables, including containers that contain an alcoholic product.  
1539 (5) A staff member of a retail licensee may conduct a straw test if the staff member is not a minor.  
1541 ~~{Section 14. Section 32B-6-403 is amended to read: }~~  
1542 **32B-6-403. Commission's power to issue bar establishment license.**  
1543 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the person's premises as a bar establishment licensee, the person shall first obtain a bar establishment license from the commission in accordance with this part.  
1547 (2) The commission may issue a bar establishment license to establish bar establishment licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated by a bar establishment licensee.  
1551 (3) Subject to Section 32B-1-201:  
1552 (a) the commission may not issue a total number of bar establishment licenses that at any time exceeds the sum of:  
1554 (i) 15; and  
1555 (ii) the number determined by dividing the population of the state by:  
1556 (A) before fiscal July 1, 2024, 10,200;  
1557 (B) in fiscal year 2025, 9,778;  
1558 (C) in fiscal year 2026, 9,356;  
1559 (D) in fiscal year 2027, 8,934;  
1560 (E) in fiscal year 2028, 8,512;

## SB0328S01 compared with SB0328S02

- 1561 (F) in fiscal year 2029, 8,090;  
1562 (G) in fiscal year 2030, 7,668; and  
1563 (H) in fiscal year 2031, and in each fiscal year thereafter, 7,246;  
1564 (b) the commission may issue a seasonal bar establishment license in accordance with Section  
32B-5-206 to a bar licensee;  
1566 (c) the commission may authorize as many as three bar establishment license locations within a hotel  
under one bar establishment license if:  
1568 (i) the location, design, and construction of the hotel requires more than one bar license location within  
the hotel to serve the public convenience;  
1570 (ii) the hotel has a minimum of 150 guest rooms;  
1571 (iii) all locations under the bar establishment license are:  
1572 (A) within the same hotel; and  
1573 (B) on premises that are managed or operated, and owned or leased, by the bar establishment licensee;  
1575 (d) the commission may authorize up to five dispensing locations under one equity license if the  
locations under the equity license:  
1577 [~~(i) are connected by a private roadway to which the equity licensee, each member of the equity  
licensee, and each guest has a legal right of access; and]~~  
1579 [~~(ii)~~] (i) are located on premises managed or operated, and owned or leased, by the equity licensee;  
1581 (ii) the locations are under the same leadership or management; and  
1582 (iii) an individual who is a member of at least one location that the equity licensee operates has access  
to all locations the equity licensee operates;  
1584 (e) except for a facility operating in accordance with Subsection (3)(d) or a hotel, a facility shall have  
a separate bar establishment license for each bar establishment license location where an alcoholic  
product is sold, offered for sale, or furnished;  
1587 (f) when a business establishment undergoes a change of ownership, the commission may issue a bar  
establishment license to the new owner of the business establishment notwithstanding that there is  
no bar establishment license available under Subsection (3)(a) if:  
1591 (i) the primary business activity at the business establishment before and after the change of ownership  
is not the sale, offer for sale, or furnishing of an alcoholic product;  
1594

## SB0328S01 compared with SB0328S02

- (ii) before the change of ownership there are two or more licensed premises on the business establishment that operate under a retail license, with at least one of the retail licenses being a bar establishment license;
- 1597 (iii) subject to Subsection (3)(g) the licensed premises of the bar establishment license issued under this Subsection (3)(f) is at the same location where the bar establishment license licensed premises was located before the change of ownership; and
- 1601 (iv) the person who is the new owner of the business establishment qualifies for the bar establishment license, except for there being no bar establishment license available under Subsection (3)(a); and
- 1604 (g) if a bar establishment licensee of a bar establishment license issued under Subsection (3)(f) requests a change of location, the bar establishment licensee may retain the bar establishment license after the change of location only if on the day on which the bar establishment licensee seeks a change of location a bar establishment license is available under Subsection (3)(a).

~~{Section 15. Section 32B-6-603 is amended to read: }~~

### **32B-6-603. Commission's power to issue on-premise banquet license -- Contracts as host.**

- 1612 (1)
- (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product in connection with the person's banquet and room service activities at one of the following, the person shall first obtain an on-premise banquet license in accordance with this part:
  - 1616 (i) a hotel;
  - 1617 (ii) a resort facility;
  - 1618 (iii) a sports center;
  - 1619 (iv) a convention center;
  - 1620 (v) a performing arts facility;
  - 1621 (vi) an arena;[-or]
  - 1622 (vii) a restaurant venue[-] ; or
  - 1623 (viii) an amphitheater.
- 1624 (b) This part does not prohibit an alcoholic product on the premises of a person listed in Subsection (1)
  - (a) to the extent otherwise permitted by this title.
- 1626 (c) This section does not prohibit a person who applies for an on-premise banquet license to also apply for a package agency if otherwise qualified.

## SB0328S01 compared with SB0328S02

(2) The commission may issue an on-premise banquet license to establish on-premise banquet licensees in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room service activities operated by an on-premise banquet licensee.

(3) Subject to Section 32B-1-201, the commission:

(a) may not issue a total number of restaurant venue on-premise banquet licenses that at any time exceeds 25; and

(b) may not issue a total number of on-premise banquet licenses that at any time exceeds the number determined by dividing the population of the state by 28,765.

(4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:

(a) the host of the banquet may request an on-premise banquet licensee to provide an alcoholic product served at the banquet; and

(b) an on-premise banquet licensee may provide an alcoholic product served at the banquet.

(5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:

(a) without charge to a patron at a banquet, except that the host of the banquet shall pay for an alcoholic product furnished at the banquet; or

(b) with a charge to a patron at the banquet.

(6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of the person's total annual banquet gross receipts from the sale of food, which does not include:

(a) mix for an alcoholic product; or

(b) a charge in connection with the furnishing of an alcoholic product.

Section 4. Section **32B-6-604** is amended to read:

### **32B-6-604. Specific licensing requirements for an on-premise banquet license.**

(1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.

(2)

(a) An on-premise banquet license expires on October 31 of each year.

(b) To renew a person's on-premise banquet license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3)

(a) The nonrefundable application fee for an on-premise banquet license is \$300.

## SB0328S01 compared with SB0328S02

- 1660 (b)
- 1661 (i) The initial license fee for an on-premise banquet license is \$750.
- 1664 (ii) The department shall prorate the \$750 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise banquet license expires.
- 1665 (c) The renewal fee for an on-premise banquet license is \$750.
- 1667 (4) The bond amount required for an on-premise banquet license is the penal sum of \$10,000.
- 1667 (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:
- 1669 (a) pay an application fee, initial license fee, or renewal fee;
- 1670 (b) obtain the written consent of the local authority;
- 1671 (c) submit a copy of the applicant's current business license; or
- 1672 (d) post a bond as specified by Section 32B-5-204.
- 1673 (6) Notwithstanding Subsection 32B-5-303(3), the department may approve ~~[an additional location]~~ one or more additional locations in accordance with Subsection (7), in or on the licensed premises of an on-premise banquet licensee from which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in its original application only:
- 1678 (a) upon proper application by an on-premise banquet licensee; and
- 1679 (b) in accordance with guidelines approved by the commission.
- 1680 (7) The department may approve one or more additional locations under Subsection (6), whether or not the locations are contiguous to one another or to the location included in the original application for the on-premise banquet licensee.
- 1683 ~~{Section 17. Section 32B-6-605 is amended to read: }~~
- 1684 **32B-6-605. Specific operational requirements for on-premise banquet license.**
- 1685 (1)
- 1688 (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee shall comply with this section.
- 1688 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 1690 (i) an on-premise banquet licensee;

## SB0328S01 compared with SB0328S02

- 1691 (ii) individual staff of an on-premise banquet licensee; or  
1692 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.
- 1693 (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5) for the entire  
premises of the hotel, resort facility, sports center, convention center, performing arts facility, arena,  
[or]restaurant venue, or amphitheater that is the basis for the on-premise banquet license.
- 1697 (3)  
(a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee shall provide the  
department with advance notice of a scheduled banquet in accordance with rules made by the  
commission.
- 1700 (b) Any of the following may conduct a random inspection of a banquet:  
1701 (i) an authorized representative of the commission or the department; or  
1702 (ii) a law enforcement officer.
- 1703 (4)  
(a) An on-premise banquet licensee is not subject to Subsection 32B-5-302(1), but shall make and  
maintain the records described in Subsection 32B-5-302(2) and the records the commission or  
department requires.
- 1706 (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this  
Subsection (4).
- 1708 (5)  
(a) Except as otherwise provided in this title, an on-premise banquet licensee may sell, offer for sale, or  
furnish an alcoholic product at a banquet only for consumption at the location of the banquet.
- 1711 (b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:  
1712 (i) a person at a banquet other than the on-premise banquet licensee or staff of the on-premise banquet  
licensee, may not remove an alcoholic product from the premises of the banquet; and  
1715 (ii) a patron at a banquet may not bring an alcoholic product into or onto the premises of the banquet.
- 1717 (6)  
(a) An on-premise banquet licensee may not leave an unsold alcoholic product at the banquet following  
the conclusion of the banquet.
- 1719 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:  
1720 (i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by  
the department; and

## SB0328S01 compared with SB0328S02

- 1722 (ii) return to the on-premise banquet licensee's approved locked storage area any:
- 1723 (A) opened and unused alcoholic product that is saleable; and
- 1724 (B) unopened container of an alcoholic product.
- 1725 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:
- 1728 (i) shall store the alcoholic product in the on-premise banquet licensee's approved locked storage area; and
- 1730 (ii) may use the alcoholic product at more than one banquet.
- 1731 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a minor to sell, furnish, or dispense an alcoholic product in connection with the on-premise banquet licensee's banquet and room service activities.
- 1734 (8) An on-premise banquet licensee:
- 1735 (a) may provide room service in portions described in Section 32B-5-304;
- 1736 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in connection with room service any day during a period that:
- 1738 (i) begins at 1 a.m.; and
- 1739 (ii) ends at 9:59 a.m.; and
- 1740 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic product free of charge per guest reservation, per guest room, if the alcoholic product:
- 1742 (i) is not a spirituous liquor; and
- 1743 (ii) is in an unopened container not to exceed 750 milliliters.
- 1744 (9)
- (a) Subject to the other provisions of this Subsection (9), a patron may not have more than two alcoholic products of any kind at a time before the patron.
- 1746 (b) A patron may not have more than one spirituous liquor drink at a time before the patron.
- 1748 (c) An individual portion of wine is considered to be one alcoholic product under Subsection (9)(a).
- 1750 (10)
- (a) An on-premise banquet licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.
- 1752 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.



## SB0328S01 compared with SB0328S02

- 1754 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all times when an  
alcoholic product is sold, offered for sale, furnished, or consumed at the banquet.
- 1757 (12)
- (a) Room service of an alcoholic product to a guest room or privately owned dwelling unit of a hotel or  
resort facility shall be provided in person by staff of an on-premise banquet licensee only to an adult  
guest in the guest room or privately owned dwelling unit.
- 1761 (b) An alcoholic product may not be left outside a guest room or privately owned dwelling unit for  
retrieval by a guest or resident.
- 1763 (13) An on-premise banquet licensee may not maintain a minibar.
- 1764 ~~{Section 18. Section 32B-6-702 is amended to read: }~~
- 1765 **32B-6-702. Definitions.**
- As used in this part:
- 1767 (1) "Commission-approved activity" means a leisure activity that:
- 1768 (a) the commission approves by rule made in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act; and
- 1770 (b) does not involve the use of a dangerous weapon.
- 1771 (2)
- (a) "Recreational amenity" means:
- 1772 (i) a billiard parlor;
- 1773 (ii) a pool parlor;
- 1774 (iii) a bowling facility;
- 1775 (iv) a golf course;
- 1776 (v) miniature golf;
- 1777 (vi) a golf driving range;
- 1778 (vii) a tennis club;
- 1779 (viii) a sports facility that hosts professional sporting events and has a seating capacity equal to or  
greater than [5,000] 2,500;
- 1781 (ix) a concert venue that has a seating capacity equal to or greater than [5,000] 2,500;
- 1782 (x) one of the following if owned by a government agency:
- 1783 (A) a convention center;
- 1784 (B) a fair facility;

## SB0328S01 compared with SB0328S02

- 1785 (C) an equestrian park;  
1786 (D) a theater; or  
1787 (E) a concert venue;  
1788 (xi) an amusement park:  
1789 (A) with one or more permanent amusement rides; and  
1790 (B) located on at least 50 acres;  
1791 (xii) a ski resort;  
1792 (xiii) a venue for live entertainment if the venue:  
1793 (A) is not regularly open for more than five hours on any day;  
1794 (B) is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue; and  
1796 (C) is operated so that no more than 15% of its total annual receipts are from the sale of beer;  
1798 (xiv) concessions operated within the boundary of a park administered by the:  
1799 (A) Division of State Parks; or  
1800 (B) National Parks Service;  
1801 (xv) a facility or venue that is a recreational amenity for a person licensed under this part before May 12, 2020;  
1803 (xvi) a venue for karaoke; or  
1804 (xvii) an enterprise developed around a commission-approved activity.  
1805 (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).

234 Section 5. Section **32B-7-202** is amended to read:

235 **32B-7-202. General operational requirements for off-premise beer retailer.**

- 1810 (1)  
(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with the provisions of this title and any applicable rules made by the commission.  
1812 (b) Failure to comply with this section may result in a suspension or revocation of a local license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act.  
1815 (2)  
(a)

## SB0328S01 compared with SB0328S02

(i) An off-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases from:

(A) a beer wholesaler licensee; or

(B) a small brewer that manufactures the beer.

(ii) A violation of Subsection (2)(a) is a class A misdemeanor.

(b)

(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.

(ii) A violation of Subsection (2)(b) is a class B misdemeanor.

(3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters.

(4)

(a) Staff of an off-premise beer retailer, while on duty, may not:

(i) consume an alcoholic product; or

(ii) be intoxicated.

(b) A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:

(i) the sale is done under the supervision of a person 21 years old or older who is on the licensed premises; and

(ii) the minor is at least 16 years old.

(5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to:

(a) a minor;

(b) a person actually, apparently, or obviously intoxicated;

(c) a known interdicted person; or

(d) a known habitual drunkard.

(6)

(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer shall:

(i) display all beer accessible by and visible to a patron in no more than two locations on the retail sales floor, each of which is:

## SB0328S01 compared with SB0328S02

- 1848 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only beverage displayed;  
and
- 1850 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler with a door  
from which the nonalcoholic beverages are not accessible, or the beer is separated from the display  
of nonalcoholic beverages by a display of one or more nonbeverage products or another physical  
divider; and
- 1854 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 1855 (A) is prominent;
- 1856 (B) is easily readable by a consumer;
- 1857 (C) meets the requirements for format established by the commission by rule; and
- 1858 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please  
read the label carefully."
- 1860 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer if the  
nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 1862 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is labeled, packaged, or  
advertised as:
- 1864 (i) a malt cooler; or
- 1865 (ii) a beverage that may provide energy.
- 1866 (d) A violation of this Subsection (6) is an infraction.
- 1867 (e)
- (i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i) apply on and after  
May 9, 2017.
- 1869 (ii) For a beer retailer that operates two or more off-premise beer retailers, the provisions of Subsection  
(6)(a)(i) apply on and after August 1, 2017.
- 1871 (7)
- (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells beer to  
a patron for consumption off the premises of the off-premise beer retailer shall wear a unique  
identification badge:
- 1874 (i) on the front of the staff's clothing;
- 1875 (ii) visible above the waist;
- 1876 (iii) bearing the staff's:

## SB0328S01 compared with SB0328S02

- 1877 (A) first or last name;
- 1878 (B) initials; or
- 1879 (C) unique identification in letters or numbers; and
- 1880 (iv) with the number or letters on the unique identification badge being sufficiently large to be  
clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.
- 1883 (b) An off-premise beer retailer shall make and maintain a record of each current staff's unique  
identification badge assigned by the off-premise beer retailer that includes the staff's:
- 1886 (i) full name;
- 1887 (ii) address; and
- 1888 (iii)
- (A) driver license number; or
- 1889 (B) similar identification number.
- 1890 (c) An off-premise beer retailer shall make available a record required to be made or maintained under  
this Subsection (7) for immediate inspection by:
- 1892 (i) a peace officer;
- 1893 (ii) a representative of the local authority that issues the off-premise beer retailer license; or
- 1895 (iii) for an off-premise beer retailer state license, a representative of the commission or department.
- 1897 (d) A local authority may impose a fine of up to \$250 against an off-premise beer retailer that does not  
comply or require its staff to comply with this Subsection (7).
- 1899 [(8)
- (a) ~~An off-premise beer retailer may sell, offer for sale, or furnish beer through a drive through window.~~  
]
- 1901 [(b) ~~Subsection (8)(a) does not modify the display limitations and requirements described in Subsection  
(6).]~~
- 1903 (8)
- (a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 1904 (i) at a { ~~drive-through window;~~ drive-up loading area, if the drive-up loading area is contiguous to  
the off-premise beer retailer's licensed premises; or
- 1905 (ii) subject to Subsection (8)(b), at a { ~~drive-up loading area, if the drive-up loading area is  
contiguous to the off-premise beer retailer's licensed premises; or~~ designated parking stall.
- 1907 { ~~(iii)~~ } (b)

## SB0328S01 compared with SB0328S02

- (i) ~~{subject to Subsection (8)(b), at a designated}~~ An off-premise beer retailer shall ensure that a parking stall{: described in Subsection (8)(a)(ii) is:
- 1908 ~~{(b)}~~ (A)
- ~~{(i)}~~ ~~{An}~~ located on property that the off-premise beer retailer ~~{shall ensure that a parking stall described in Subsection (8)(a)(iii) is:~~ owns or has a legal right to occupy;
- 1910 ~~{(A)}~~ (B) ~~{located on property that}~~ designated for picking up pre-ordered items from the off-premise beer retailer ~~{owns or has a legal right to occupy}~~ ;and
- 1912 ~~{(B)}~~ (C) ~~{designated for picking up pre-ordered items from the off-premise beer retailer; and}~~ labeled in a conspicuous manner that communicates the purpose described in Subsection (8)(b)(ii).
- 1914 ~~{(C)}~~ (ii) ~~{labeled in}~~ An off-premise beer retailer may not sell, offer for sale, or furnish beer at a {conspicuous manner that communicates the purpose} designated parking stall described in Subsection {~~(8)(b)(ii):~~ (8)(a)(ii) unless:
- 1916 ~~{(ii)}~~ (A) ~~{An}~~ the off-premise beer retailer ~~{may not sell, offer for sale, or furnish beer at a}~~ ensures that the individual purchasing the beer purchases the beer before parking in the designated parking stall ~~{described in Subsection (8)(a)(iii) unless:}~~ ;
- 1918 ~~{(A)}~~ (B) the off-premise beer retailer ~~{ensures that}~~ delivers the ~~{individual purchasing the beer purchases}~~ beer directly from the ~~{beer before parking in}~~ off-premise beer retailer's licensed premises to the designated parking stall;and
- 1920 ~~{(B)}~~ (C) ~~{the off-premise beer retailer delivers the beer directly from}~~ at the designated parking stall, staff of the off-premise beer ~~{retailer's licensed premises to}~~ retailer verifies the ~~{designated parking stall; and}~~ purchaser's age in accordance with Section 32B-1-407.
- 1922 ~~{(C)}~~ (c) ~~{at the designated parking stall, staff}~~ Nothing in this Subsection (8) modifies the other requirements of {the off-premise beer retailer verifies the purchaser's age in accordance with Section 32B-1-407} this section.
- 1924 ~~{(c)}~~ (d) ~~{Nothing in}~~ Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in accordance with this Subsection (8) ~~{modifies}~~ shall comply with the ~~{other}~~ training requirements {of this section} described in Section 32B-1-703.
- 353 (9) ~~{Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in accordance with this Subsection (8) shall comply with the training requirements described in Section 32B-1-703.}~~
- 1928 ~~{(9)}~~ An off-premise beer retailer may not on the licensed premises:

## SB0328S01 compared with SB0328S02

- 1929 (a) engage in or permit any form of:
- 1930 (i) gambling, as defined in Section 76-10-1101; or
- 1931 (ii) fringe gambling, as defined in Section 76-10-1101;
- 1932 (b) have any fringe gaming device, video gaming device, or gambling device or record as defined in  
Section 76-10-1101; or
- 1934 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking  
of something of value for a return or for an outcome when the return or outcome is based upon an  
element of chance, excluding the playing of an amusement device that confers only an immediate  
and unrecorded right of replay not exchangeable for value.
- 1939 (10) An off-premise beer retailer may not knowingly allow a person on the licensed premises to, in  
violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug  
Paraphernalia Act:
- 1942 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or
- 1944 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in Section  
58-37a-3.
- 1946 (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is intended to be  
frozen and consumed in a manner other than as a beverage, including beer in the form of a freeze  
pop, popsicle, ice cream, or sorbet.
- 374 Section 6. Section **32B-9-203** is amended to read:
- 375 **32B-9-203. Bond for event permit.**
- 1951 (1)
- (a) A person applying for an event permit shall post a ~~[cash bond or]~~ surety bond:
- 1952 (i) in the amount specified in ~~[the relevant part under]~~ this chapter for the type of event permit for  
which the person is applying; and
- 1954 (ii) payable to the department.
- 1955 (b) An event permittee shall procure and maintain a bond required under this section for as long as the  
event permit is in effect.
- 1957 (2) A bond posted by an event permittee under this section shall be:
- 1958 (a) in a form approved by the attorney general; and
- 1959 (b) conditioned upon the event permittee's faithful compliance with this title and the rules of the  
commission.

## SB0328S01 compared with SB0328S02

- 1961 (3) No part of a bond posted by an event permittee under this section may be withdrawn during the  
period the event permit is in effect.
- 1963 (4)
- (a) A bond posted by an event permittee under this section may be forfeited if the event permit is  
revoked.
- 1965 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond posted by  
an event permittee for money owed the department under this title without the commission first  
revoking the event permit.
- 1968 ~~{Section 21. Section 41-6a-102 is amended to read: }~~
- 1969 **41-6a-102. Definitions.**  
As used in this chapter:
- 1971 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings  
in urban districts and not intended for through vehicular traffic.
- 1973 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 1974 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 1975 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 1976 (5) "Authorized emergency vehicle" includes:
- 1977 (a) a fire department vehicle;
- 1978 (b) a police vehicle;
- 1979 (c) an ambulance; and
- 1980 (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of  
Public Safety.
- 1982 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 1983 (7)
- (a) "Bicycle" means a wheeled vehicle:
- 1984 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 1985 (ii) with a seat or saddle designed for the use of the operator;
- 1986 (iii) designed to be operated on the ground; and
- 1987 (iv) whose wheels are not less than 14 inches in diameter.
- 1988 (b) "Bicycle" includes an electric assisted bicycle.
- 1989 (c) "Bicycle" does not include scooters and similar devices.



## SB0328S01 compared with SB0328S02

1990	(8)
	(a) "Bus" means a motor vehicle:
1991	(i) designed for carrying more than 15 passengers and used for the transportation of persons; or
1993	(ii) designed and used for the transportation of persons for compensation.
1994	(b) "Bus" does not include a taxicab.
1995	(9)
	(a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.
1998	(b) "Circular intersection" includes:
1999	(i) roundabouts;
2000	(ii) rotaries; and
2001	(iii) traffic circles.
2002	(10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
2004	(a) provides assistance only when the rider is pedaling; and
2005	(b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
2006	(11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
2008	(a) may be used exclusively to propel the bicycle; and
2009	(b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
2011	(12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
2013	(a) provides assistance only when the rider is pedaling;
2014	(b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
2016	(c) is equipped with a speedometer.
2017	(13) "Commissioner" means the commissioner of the Department of Public Safety.
2018	(14) "Controlled-access highway" means a highway, street, or roadway:
2019	(a) designed primarily for through traffic; and
2020	(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

## SB0328S01 compared with SB0328S02

- 2023 (15) "Crosswalk" means:
- 2024 (a) that part of a roadway at an intersection included within the connections of the lateral lines of the
- sidewalks on opposite sides of the highway measured from:
- 2026 (i)
- (A) the curbs; or
- 2027 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 2028 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the
- extension of the lateral lines of the existing sidewalk at right angles to the centerline; or
- 2031 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing
- by lines or other markings on the surface.
- 2033 (16) "Department" means the Department of Public Safety.
- 2034 (17) "Direct supervision" means oversight at a distance within which:
- 2035 (a) visual contact is maintained; and
- 2036 (b) advice and assistance can be given and received.
- 2037 (18) "Divided highway" means a highway divided into two or more roadways by:
- 2038 (a) an unpaved intervening space;
- 2039 (b) a physical barrier; or
- 2040 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 2041 (19) "Echelon formation" means the operation of two or more snowplows arranged side-by-side or
- diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more
- lanes at once.
- 2044 (20)
- (a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 2045 (i) has a power output of not more than 750 watts;
- 2046 (ii) has fully operable pedals;
- 2047 (iii) has permanently affixed cranks that were installed at the time of the original manufacture;
- 2049 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 2050 (v) is one of the following:
- 2051 (A) a class 1 electric assisted bicycle;
- 2052 (B) a class 2 electric assisted bicycle;
- 2053 (C) a class 3 electric assisted bicycle; or

## SB0328S01 compared with SB0328S02

- 2054 (D) a programmable electric assisted bicycle.
- 2055 (b) "Electric assisted bicycle" does not include:
- 2056 (i) a moped;
- 2057 (ii) a motor assisted scooter;
- 2058 (iii) a motorcycle;
- 2059 (iv) a motor-driven cycle; or
- 2060 (v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:
- 2064 (A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;
- 2066 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 2067 (C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or
- 2069 (D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.
- 2071 (21)
- (a) "Electric personal assistive mobility device" means a self-balancing device with:
- 2072 (i) two nontandem wheels in contact with the ground;
- 2073 (ii) a system capable of steering and stopping the unit under typical operating conditions;
- 2075 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 2077 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 2078 (v) a deck design for a person to stand while operating the device.
- 2079 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 2080 (22) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.
- 2087 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

## SB0328S01 compared with SB0328S02

- 2089 (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by  
a Tagliabue or equivalent closed-cup test device.
- 2091 (25) "Freeway" means a controlled-access highway that is part of the interstate system as defined in  
Section 72-1-102.
- 2093 (26)
- (a) "Golf cart" means a device that:
- 2094 (i) is designed for transportation by players on a golf course;
- 2095 (ii) has not less than three wheels in contact with the ground;
- 2096 (iii) has an unladen weight of less than 1,800 pounds;
- 2097 (iv) is designed to operate at low speeds; and
- 2098 (v) is designed to carry not more than six persons including the driver.
- 2099 (b) "Golf cart" does not include:
- 2100 (i) a low-speed vehicle or an off-highway vehicle;
- 2101 (ii) a motorized wheelchair;
- 2102 (iii) an electric personal assistive mobility device;
- 2103 (iv) an electric assisted bicycle;
- 2104 (v) a motor assisted scooter;
- 2105 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 2106 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 2107 (27) "Gore area" means the area delineated by two solid white lines that is between a continuing lane  
of a through roadway and a lane used to enter or exit the continuing lane including similar areas  
between merging or splitting highways.
- 2110 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the  
vehicle.
- 2112 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 2113 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 2114 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad  
tracks.
- 2116 (30) "Highway" means the entire width between property lines of every way or place of any nature  
when any part of it is open to the use of the public as a matter of right for vehicular travel.
- 2119 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.

## SB0328S01 compared with SB0328S02

- 2120 (32) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 2121 [~~(32)~~] (33)
- (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.
- 2124 (b) Where a highway includes two roadways 30 feet or more apart:
- 2125 (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and
- 2127 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.
- 2129 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 2130 [~~(33)~~] (34) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:
- 2132 (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;
- 2134 (b) channelizing devices;
- 2135 (c) curbs;
- 2136 (d) pavement edges; or
- 2137 (e) other devices.
- 2138 [~~(34)~~] (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.
- 2141 [~~(35)~~] (36) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.
- 2143 [~~(36)~~] (37) "Limited access highway" means a highway:
- 2144 (a) that is designated specifically for through traffic; and
- 2145 (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.
- 2148 [~~(37)~~] (38) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.
- 2151 [~~(38)~~] (39)

## SB0328S01 compared with SB0328S02

(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

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

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

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

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

~~[(40)]~~ (41)

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

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

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

(i) designed for off-highway use; and

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

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

(a) a trailer or semitrailer that is:

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

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

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

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

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

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

~~[(43)]~~ (44)

(a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

## SB0328S01 compared with SB0328S02

- 2183 (ii) a motor that:
- 2184 (A) produces not more than two brake horsepower; and
- 2185 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.
- 2187 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.
- 2191 (c) "Moped" does not include:
- 2192 (i) an electric assisted bicycle; or
- 2193 (ii) a motor assisted scooter.
- 2194 [~~(44)~~] (45)
- (a) "Motor assisted scooter" means a self-propelled device with:
- 2195 (i) at least two wheels in contact with the ground;
- 2196 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 2197 (iii) an electric motor not exceeding 2,000 watts;
- 2198 (iv) either:
- 2199 (A) handlebars and a deck design for a person to stand while operating the device; or
- 2201 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;
- 2203 (v) a design for the ability to be propelled by human power alone; and
- 2204 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 2205 (b) "Motor assisted scooter" does not include:
- 2206 (i) an electric assisted bicycle; or
- 2207 (ii) a motor-driven cycle.
- 2208 [~~(45)~~] (46)
- (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- 2211 (b) "Motor vehicle" does not include:
- 2212 (i) vehicles moved solely by human power;
- 2213 (ii) motorized wheelchairs;
- 2214 (iii) an electric personal assistive mobility device;
- 2215 (iv) an electric assisted bicycle;
- 2216 (v) a motor assisted scooter;

## SB0328S01 compared with SB0328S02

- 2217 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 2218 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 2219 ~~[(46)]~~ (47) "Motorcycle" means:
- 2220 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
- 2222 (b) an autocycle.
- 2223 ~~[(47)]~~ (48)
- (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:
- 2225 (i) an engine with less than 150 cubic centimeters displacement; or
- 2226 (ii) a motor that produces not more than five horsepower.
- 2227 (b) "Motor-driven cycle" does not include:
- 2228 (i) an electric personal assistive mobility device;
- 2229 (ii) a motor assisted scooter; or
- 2230 (iii) an electric assisted bicycle.
- 2231 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.
- 2233 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.
- 2235 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 2236 ~~[(51)]~~ (52) "Operator" means:
- 2237 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 2238 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.
- 2240 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or other device operated, alone or coupled with another device, on stationary rails.
- 2242 ~~[(53)]~~ (54)
- (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.
- 2244 (b) "Park" or "parking" does not include:
- 2245 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers; or
- 2247 (ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 2249



## SB0328S01 compared with SB0328S02

~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

2252 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:

2253 (a) on foot; or

2254 (b) in a wheelchair.

2255 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

2257 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

2261 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:

2262 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

2265 (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

2268 ~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

2271 ~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the electric assisted bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.

2276 ~~[(61)]~~ (62) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

2278 ~~[(62)]~~ (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

2281 ~~[(63)]~~ (64) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

2283 ~~[(64)]~~ (65) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.

2285

## SB0328S01 compared with SB0328S02

~~[(65)]~~ (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

2289 ~~[(66)]~~ (67)

(a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

2291 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

2293 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

2295 ~~[(67)]~~ (68) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

2298 ~~[(68)]~~ (69)

(a) "School bus" means a motor vehicle that:

2299 (i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and

2301 (ii) is used to transport school children to or from school or school activities.

2302 (b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

2304 ~~[(69)]~~ (70)

(a) "Semitrailer" means a vehicle with or without motive power:

2305 (i) designed for carrying persons or property and for being drawn by a motor vehicle; and

2307 (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

2309 (b) "Semitrailer" does not include a pole trailer.

2310 ~~[(70)]~~ (71) "Shoulder area" means:

2311 (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or

2314 (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.

## SB0328S01 compared with SB0328S02

- 2316 ~~[(71)]~~ (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 2318 ~~[(72)]~~ (73)
- (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.
- 2320 (b) "Soft-surface trail" does not mean a trail:
- 2321 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or
- 2323 (ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.
- 2325 ~~[(73)]~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.
- 2327 ~~[(74)]~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
- 2330 ~~[(75)]~~ (76) "Stop" when required means complete cessation from movement.
- 2331 ~~[(76)]~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
- 2333 (a) necessary to avoid conflict with other traffic; or
- 2334 (b) in compliance with the directions of a peace officer or traffic-control device.
- 2335 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
- 2339 ~~[(78)]~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with ~~[with-]~~Section 41-6a-1509.
- 2342 ~~[(79)]~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 2343 ~~[(80)]~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
- 2345 ~~[(81)]~~ (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
- 2347 ~~[(82)]~~ (83) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

## SB0328S01 compared with SB0328S02

- 2349 [(83)] (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this  
chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding  
traffic.
- 2352 [(84)] (85) "Traffic-control signal" means a device, whether manually, electrically, or mechanically  
operated, by which traffic is alternately directed to stop and permitted to proceed.
- 2355 [(85)] (86)
- (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property  
and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the  
towing vehicle.
- 2358 (b) "Trailer" does not include a pole trailer.
- 2359 [(86)] (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the  
transportation of property.
- 2361 [(87)] (88) "Truck tractor" means a motor vehicle:
- 2362 (a) designed and used primarily for drawing other vehicles; and
- 2363 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.
- 2365 [(88)] (89) "Two-way left turn lane" means a lane:
- 2366 (a) provided for vehicle operators making left turns in either direction;
- 2367 (b) that is not used for passing, overtaking, or through travel; and
- 2368 (c) that has been indicated by a lane traffic-control device that may include lane markings.
- 2370 [(89)] (90) "Urban district" means the territory contiguous to and including any street, in which  
structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100  
feet, for a distance of a quarter of a mile or more.
- 2373 [(90)] (91) "Vehicle" means a device in, on, or by which a person or property is or may be transported  
or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used  
exclusively on stationary rails or tracks.
- 2376 ~~{Section 22. Section 41-6a-505 is amended to read: }~~
- 2377 **41-6a-505. Sentencing requirements for driving under the influence of alcohol, drugs, or a  
combination of both violations.**
- 2379 (1) As part of any sentence for a first conviction of extreme DUI:
- 2380 (a) the court shall:
- 2381 (i)

## SB0328S01 compared with SB0328S02

- (A) impose a jail sentence of not less than five days; or
- 2382 (B) impose a jail sentence of not less than two days in addition to home confinement of not fewer than 30 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;
- 2386 (ii) order the individual to participate in a screening;
- 2387 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (1)(a)(ii);
- 2389 (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (1)(b);
- 2391 (v) impose a fine of not less than \$700;
- 2392 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 2393 (vii)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 2395 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party;
- 2398 (viii)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 2400 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; [~~or~~]
- 2403 (ix) unless the court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice, order the installation of an ignition interlock system as described in Section 41-6a-518; [~~and~~] or
- 2407 (x) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card; and
- 2411 (b) the court may:
- 2412 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
- 2414 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older; or
- 2416 (iii) order a combination of Subsections (1)(b)(i) and (ii).

## SB0328S01 compared with SB0328S02

- 2417 (2)
- (a) If an individual described in Subsection (1) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (1)(a).
- 2420 (b) If an individual described in Subsection (1) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (2)(a).
- 2423 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in Subsection (1):
- 2425 (a) the court shall:
- 2426 (i)
- (A) impose a jail sentence of not less than two days; or
- 2427 (B) require the individual to work in a compensatory-service work program for not less than 48 hours;
- 2429 (ii) order the individual to participate in a screening;
- 2430 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (3)(a)(ii);
- 2432 (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (3)(b);
- 2434 (v) impose a fine of not less than \$700;
- 2435 (vi)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 2437 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; ~~[or]~~ and
- 2440 (vii)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 2442 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- 2445 (b) the court may:
- 2446 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
- 2448 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 2449

## SB0328S01 compared with SB0328S02

(iii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older;~~[-or]~~

2451 (iv) order a combination of Subsections (3)(b)(i) through (iii)~~[-]~~ ; or

2452 (v) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.

2456 (4)

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

2459 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (4)(a).

2462 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction amounts to extreme DUI:

2465 (a) the court shall:

2466 (i)

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

2467 (B) impose a jail sentence of not less than 10 days in addition to home confinement of not fewer than 60 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506; or

2471 (C) impose a jail sentence of not less than 10 days in addition to ordering the individual to obtain substance abuse treatment, if the court finds that substance abuse treatment is more likely to reduce recidivism and is in the interests of public safety;

2475 (ii) order the individual to participate in a screening;

2476 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (5)(a)(ii);

2478 (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (5)(b);

2480 (v) impose a fine of not less than \$800;

2481 (vi) order probation for the individual in accordance with Section 41-6a-507;



## SB0328S01 compared with SB0328S02

- 2482 (vii) order the installation of an ignition interlock system as described in Section 41-6a-518;  
2484 (viii)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 2486 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a),  
other than the individual sentenced, order the individual sentenced to reimburse the party; [or]
- 2489 (ix)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 2491 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other  
than the individual sentenced, order the individual sentenced to reimburse the party; and
- 2494 (x) designate the individual as an interdicted person for a period of time not to exceed the probationary  
period, unless the court finds good cause to order a shorter or longer time, and require the individual  
to surrender the individual's driver license or identification card; and
- 2498 (b) the court may:
- 2499 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program  
determines that substance abuse treatment is appropriate;
- 2501 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if  
the individual is 21 years old or older; or
- 2503 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 2504 (6)
- (a) If an individual described in Subsection (5) is participating in a 24-7 sobriety program as defined in  
Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (5)(a) after  
the individual has served a minimum of:
- 2507 (i) five days of the jail sentence for a second offense; or
- 2508 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 2509 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of the requirements  
of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in  
Subsection (6)(a).
- 2512 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the  
current conviction under Section 41-6a-502 or the commission of the offense upon which the current  
conviction is based and that does not qualify under Subsection (5):
- 2516 (a) the court shall:



## SB0328S01 compared with SB0328S02

- 2517 (i)  
2518 (A) impose a jail sentence of not less than 10 days; or  
2518 (B) impose a jail sentence of not less than 5 days in addition to home confinement of not fewer than 30  
consecutive days through the use of electronic monitoring that includes a substance abuse testing  
instrument in accordance with Section 41-6a-506;
- 2522 (ii) order the individual to participate in a screening;
- 2523 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under  
Subsection (7)(a)(ii);
- 2525 (iv) order the individual to participate in an educational series if the court does not order substance  
abuse treatment as described under Subsection (7)(b);
- 2527 (v) impose a fine of not less than \$800;
- 2528 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 2529 (vii)  
(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or  
2531 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a),  
other than the individual sentenced, order the individual sentenced to reimburse the party; ~~[or]~~ and
- 2534 (viii)  
(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or  
2536 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other  
than the individual sentenced, order the individual sentenced to reimburse the party; and
- 2539 (b) the court may:
- 2540 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program  
determines that substance abuse treatment is appropriate;
- 2542 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if  
the individual is 21 years old or older; ~~[or]~~
- 2544 (iii) order a combination of Subsections (7)(b)(i) and (ii) ~~[-]~~ ; or
- 2545 (iv) designate the individual as an interdicted person for a period of time not to exceed the probationary  
period, unless the court finds good cause to order a shorter or longer time, and require the individual  
to surrender the individual's driver license or identification card.
- 2549 (8)

## SB0328S01 compared with SB0328S02

- (a) If an individual described in Subsection (7) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (7)(a) after the individual has served a minimum of:
- 2552 (i) five days of the jail sentence for a second offense; or
- 2553 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 2554 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (8)(a).
- 2557 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and places the defendant on probation for a conviction of extreme DUI, the court shall~~[-impose]~~:
- 2560 (a) impose a fine of not less than \$1,500;
- 2561 (b) impose a jail sentence of not less than 120 days;
- 2562 (c) order home confinement of not fewer than 120 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506; [and]
- 2565 (d) order supervised probation[-] ; and
- 2566 (e) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.
- 2570 (10)
- (a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 2571 (i) shall impose an order requiring the individual to obtain a screening and assessment for alcohol and substance abuse, and treatment as appropriate; and
- 2573 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older.
- 2576 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended prison sentence described in Subsection (9).
- 2579 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and places the defendant on probation with a sentence not described in Subsection (9), the court shall impose:

## SB0328S01 compared with SB0328S02

- 2582 (a) a fine of not less than \$1,500;
- 2583 (b) a jail sentence of not less than 60 days;
- 2584 (c) home confinement of not fewer than 60 consecutive days through the use of electronic monitoring  
that includes a substance abuse testing instrument in accordance with Section 41-6a-506; and
- 2587 (d) supervised probation.
- 2588 (12)
- (a)
- (i) Except as described in Subsection (12)(a)(ii), a court may not suspend the requirements of this  
section.
- 2590 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 2591 (b) A court, with stipulation of both parties and approval from the judge, may convert a jail sentence  
required in this section to electronic home confinement.
- 2593 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation under this  
section to be served in multiple two-day increments at weekly intervals if the court determines that  
separate jail increments are necessary to ensure the defendant can serve the statutorily required jail  
term and maintain employment.
- 2597 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence  
that the individual had a blood or breath alcohol level of .16 or higher, the court shall order the  
following, or describe on record why the order or orders are not appropriate:
- 2601 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 2602 (b) one or more of the following:
- 2603 (i) the installation of an ignition interlock system as a condition of probation for the individual in  
accordance with Section 41-6a-518;
- 2605 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device or remote  
alcohol monitor as a condition of probation for the individual; or
- 2607 (iii) the imposition of home confinement through the use of electronic monitoring in accordance with  
Section 41-6a-506.
- 2609 ~~{Section 23. Section 41-6a-509 is amended to read: }~~
- 2610 **41-6a-509. Driver license suspension or revocation for a driving under the influence**  
**violation.**
- 2612 (1)

## SB0328S01 compared with SB0328S02

- 2614 (a) The Driver License Division shall, if the person is 21 years old or older at the time of arrest:
- 2616 (i) suspend for a period of 120 days the operator's license of a person convicted for the first time  
under Section 41-6a-502 or 76-5-102.1; or
- 2617 (ii) revoke for a period of two years the license of a person if:
- 2619 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 2621 (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period  
of 10 years from the date of the prior violation.
- 2621 (b)
- 2625 (i) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), the  
Driver License Division may not suspend the operator's license for a violation of Section 41-6a-502  
as described in Subsection (1)(a)(i) unless the person fails to complete 120 days of the interlock  
restriction.
- 2628 (ii) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), and the  
person fails to complete the full 120 days of interlock restriction, the Driver License Division:
- 2631 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days  
from the date the ignition interlock system was removed from the vehicle; and
- 2633 (B) may not reduce the 120-day suspension for any days the person was compliant with the interlock  
restriction under Subsection 53-3-223(10)(a).
- 2633 (c)
- 2638 (i) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), the Driver  
License Division may not suspend the operator's license for a violation of Section 41-6a-502 as  
described in Subsection (1)(a)(i) unless the person fails to complete three years of the interlock  
restriction under Subsection 41-6a-521(7).
- 2641 (ii) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), and the  
person fails to complete the full three years of interlock restriction, the Driver License Division:
- 2644 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days  
from the date the ignition interlock system was removed from the vehicle; and
- 2646 (B) may not reduce the 120-day suspension for any days the person was compliant with the interlock  
restriction under Subsection 41-6a-521(7).
- 2646 (2) The Driver License Division shall, if the person is 19 years old or older but under 21 years old at the  
time of arrest:

## SB0328S01 compared with SB0328S02

- 2648 (a) suspend the person's driver license until the person is 21 years old or for a period of one year,  
whichever is longer, if the person is convicted for the first time of a violation under Section  
41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was committed on or after July 1, 2011;
- 2652 (b) deny the person's application for a license or learner's permit until the person is 21 years old or for a  
period of one year, whichever is longer, if the person:
- 2654 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an  
offense committed on or after July 1, 2011; and
- 2656 (ii) has not been issued an operator license;
- 2657 (c) revoke the person's driver license until the person is 21 years old or for a period of two years,  
whichever is longer, if:
- 2659 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 2660 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period  
of 10 years from the date of the prior violation; or
- 2662 (d) deny the person's application for a license or learner's permit until the person is 21 years old or for a  
period of two years, whichever is longer, if:
- 2664 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 2665 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period  
of 10 years from the date of the prior violation; and
- 2667 (iii) the person has not been issued an operator license.
- 2668 (3) The Driver License Division shall, if the person is under 19 years old at the time of arrest:
- 2670 (a) suspend the person's driver license until the person is 21 years old if the person is convicted for the  
first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207;
- 2673 (b) deny the person's application for a license or learner's permit until the person is 21 years old if the  
person:
- 2675 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207; and
- 2677 (ii) has not been issued an operator license;
- 2678 (c) revoke the person's driver license until the person is 21 years old if:
- 2679 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 2680 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period  
of 10 years from the date of the prior violation; or
- 2682 (d) deny the person's application for a license or learner's permit until the person is 21 years old if:

## SB0328S01 compared with SB0328S02

- 2684 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 2685 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period  
of 10 years from the date of the prior violation; and
- 2687 (iii) the person has not been issued an operator license.
- 2688 (4) The Driver License Division shall suspend or revoke the license of a person as ordered by the court  
under Subsection (9).
- 2690 (5) The Driver License Division shall subtract from any suspension or revocation period the number  
of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the  
previous suspension was based on the same occurrence upon which the record of conviction is  
based.
- 2694 (6) If a conviction recorded as impaired driving is amended to a driving under the influence conviction  
under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with Subsection 41-6a-502.5(3)(a)  
(ii), the Driver License Division:
- 2697 (a) may not subtract from any suspension or revocation any time for which a license was previously  
suspended or revoked under Section 53-3-223 or 53-3-231; and
- 2699 (b) shall start the suspension or revocation time under Subsection (1) on the date of the amended  
conviction.
- 2701 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207  
for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten  
the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to  
completion of the suspension period if the person:
- 2705 (a) completes at least six months of the license suspension;
- 2706 (b) completes a screening;
- 2707 (c) completes an assessment, if it is found appropriate by a screening under Subsection (7)(b);
- 2709 (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection  
(7)(c);
- 2711 (e) completes an educational series if substance abuse treatment is not required by an assessment under  
Subsection (7)(c) or the court does not order substance abuse treatment;
- 2714 (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as  
the operator of the vehicle during the suspension period imposed under Subsection (2)(a) or (b) or  
Subsection (3)(a) or (b);

## SB0328S01 compared with SB0328S02

- 2717 (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to  
probation; and
- 2719 (h)
- (i) is 18 years old or older and provides a sworn statement to the court that the person has not  
unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b)  
or Subsection (3)(a) or (b); or
- 2722 (ii) is under 18 years old and has the person's parent or legal guardian provide an affidavit or sworn  
statement to the court certifying that to the parent or legal guardian's knowledge the person has not  
unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b)  
or Subsection (3)(a) or (b).
- 2727 (8) If the court shortens a person's license suspension period in accordance with the requirements  
of Subsection (7), the court shall forward the order shortening the person's suspension period to  
the Driver License Division in a manner specified by the division prior to the completion of the  
suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).
- 2732 (9)
- (a)
- (i) In addition to any other penalties provided in this section, a court may order the operator's  
license of a person who is convicted of a violation of Section 41-6a-502, 76-5-102.1, or  
76-5-207 to be suspended or revoked for an additional period of 90 days, 120 days, 180 days,  
one year, or two years to remove from the highways those persons who have shown they are  
safety hazards.
- 2737 (ii) The additional suspension or revocation period provided in this Subsection (9) shall begin the  
date on which the individual would be eligible to reinstate the individual's driving privilege for a  
violation of Section 41-6a-502, 76-5-102.1, or 76-5-207.
- 2741 (b) If the court suspends or revokes the person's license under this Subsection (9), the court shall  
prepare and send to the Driver License Division an order to suspend or revoke that person's driving  
privileges for a specified period of time.
- 2744 (10)
- (a) The court shall notify the Driver License Division if a person fails to complete all court ordered:
- 2746 (i) screenings;
- 2747 (ii) assessments;



## SB0328S01 compared with SB0328S02

- 2748 (iii) educational series;
- 2749 (iv) substance abuse treatment; and
- 2750 (v) hours of work in a compensatory-service work program.
- 2751 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in Subsection (10)(a),  
the division shall suspend the person's driving privilege in accordance with Subsection 53-3-221(2).
- 2754 (11)
- (a) A court that reported a conviction of a violation of Section 41-6a-502 to the Driver License Division  
may shorten the suspension or revocation period imposed under Subsection (1) before completion of  
the suspension or revocation period if the person:
- 2758 (i) is participating in or has successfully completed a 24-7 sobriety program as defined in Section  
41-6a-515.5;
- 2760 (ii)
- (A) is participating in or has successfully completed a problem solving court program approved by the  
Judicial Council, including a driving under the influence court program or a drug court program; and
- 2763 (B) has elected to become an interlock restricted driver as a condition of probation during the remainder  
of the person's suspension or revocation period in accordance with Section 41-6a-518; or
- 2766 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court does not have  
a problem solving court program approved by the Judicial Council or access to a 24-7 sobriety  
program as defined in Section 41-6a-515.5, if the person:
- 2770 (A) has installed an ignition interlock device in any vehicle owned or driven by the person in  
accordance with Section 53-3-1007; and
- 2772 (B) did not inflict bodily injury upon another as a proximate result of having operated the vehicle in a  
negligent manner.
- 2774 (b) If a court shortens a person's license suspension or revocation period in accordance with the  
requirements of this Subsection (11), the court shall forward the order shortening the person's  
suspension or revocation period to the Driver License Division in a manner specified by the  
division.
- 2778 (c) The court shall notify the Driver License Division, in a manner specified by the Driver License  
Division, if a person fails to complete or comply with a condition that allowed the court to shorten  
the person's license suspension or revocation period under Subsection (11)(a).
- 2782 (d)



## SB0328S01 compared with SB0328S02

(i)

(A) Upon receiving the notification described in Subsection (11)(c), for a first offense, the division shall suspend the person's driving privilege for a period of 120 days from the date of notice.

(B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be subtracted from the 120-day suspension period for which a driving privilege was previously suspended under this section or Section 53-3-223, if the previous suspension was based on the same occurrence upon which the conviction under Section 41-6a-502 is based.

(ii)

(A) Upon receiving the notification described in Subsection (11)(c), for a second or subsequent offense, the division shall revoke the person's driving privilege for a period of two years from the date of notice.

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

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

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

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

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

~~{Section 24. Section 53-3-102 is amended to read: }~~

### **53-3-102. Definitions.**

As used in this chapter:

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

(a) is designed to travel with three or fewer wheels in contact with the ground; and

(b) is equipped with:

(i) a steering mechanism;

(ii) seat belts; and

(iii) seating that does not require the operator to straddle or sit astride the motor vehicle.

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

## SB0328S01 compared with SB0328S02

- 2816 (3) "Class D license" means the class of license issued to drive motor vehicles not defined as  
commercial motor vehicles or motorcycles under this chapter.
- 2818 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:  
2819 (a) issued under Section 53-3-408; or  
2820 (b) issued by a state or other jurisdiction of domicile in compliance with the standards contained in 49  
C.F.R. Part 383.
- 2822 (5) "Commercial driver license" or "CDL" means a license:  
2823 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the  
Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform  
Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor  
vehicle; and  
2827 (b) that was obtained by providing evidence of lawful presence in the United States with one of the  
document requirements described in Subsection 53-3-410(1)(i)(i).
- 2829 (6)  
(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:  
2831 (i) applies to a person who holds or is required to hold a commercial driver instruction permit or a  
CDL license; and  
2833 (ii) contains the following:  
2834 (A) information contained in the driver history, including convictions, pleas held in abeyance,  
disqualifications, and other licensing actions for violations of any state or local law relating to motor  
vehicle traffic control, committed in any type of vehicle;  
2838 (B) driver self-certification status information under Section 53-3-410.1; and  
2839 (C) information from medical certification record keeping in accordance with 49 C.F.R. Sec. 383.73(o).
- 2841 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a motor vehicle  
record described in Subsection [~~(30)~~] (32).
- 2843 (7)  
(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or  
used to transport passengers or property if the motor vehicle:  
2845 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, or gross  
combination weight rating or gross combination weight of 26,001 or more pounds or a lesser  
rating as determined by federal regulation;

## SB0328S01 compared with SB0328S02

- 2848 (ii) is designed to transport 16 or more passengers, including the driver; or  
2849 (iii) is transporting hazardous materials and is required to be placarded in accordance with 49  
C.F.R. Part 172, Subpart F.
- 2851 (b) The following vehicles are not considered a commercial motor vehicle for purposes of Part 4,  
Uniform Commercial Driver License Act:
- 2853 (i) equipment owned and operated by the United States Department of Defense when driven by any  
active duty military personnel and members of the reserves and national guard on active duty  
including personnel on full-time national guard duty, personnel on part-time training, and national  
guard military technicians and civilians who are required to wear military uniforms and are subject  
to the code of military justice;
- 2859 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or  
farm supplies to or from a farm within 150 miles of his farm but not in operation as a motor carrier  
for hire;
- 2862 (iii) firefighting and emergency vehicles;
- 2863 (iv) recreational vehicles that are not used in commerce and are driven solely as family or personal  
conveyances for recreational purposes; and
- 2865 (v) vehicles used to provide transportation network services, as defined in Section 13-51-102.
- 2867 (8) "Conviction" means any of the following:
- 2868 (a) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply  
with the law in a court of original jurisdiction or an administrative proceeding;
- 2871 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;
- 2873 (c) a plea of guilty or nolo contendere accepted by the court;
- 2874 (d) the payment of a fine or court costs; or
- 2875 (e) violation of a condition of release without bail, regardless of whether the penalty is rebated,  
suspended, or probated.
- 2877 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to which the  
provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security, do not apply.
- 2880 (10) "Director" means the division director appointed under Section 53-3-103.
- 2881 (11) "Disqualification" means either:
- 2882 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of a person's  
privileges to drive a commercial motor vehicle;

## SB0328S01 compared with SB0328S02

- 2884 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386, that a person is  
no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part 391; or
- 2887 (c) the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. Part  
383.51.
- 2889 (12) "Division" means the Driver License Division of the department created in Section 53-3-103.
- 2891 (13) "Downgrade" means to obtain a lower license class than what was originally issued during an  
existing license cycle.
- 2893 (14) "Drive" means:
- 2894 (a) to operate or be in physical control of a motor vehicle upon a highway; and
- 2895 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections 53-3-417 and  
53-3-418, the operation or physical control of a motor vehicle at any place within the state.
- 2898 (15)
- (a) "Driver" means an individual who drives, or is in actual physical control of a motor vehicle in any  
location open to the general public for purposes of vehicular traffic.
- 2901 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person who is required to  
hold a CDL under Part 4, Uniform Commercial Driver License Act, or federal law.
- 2904 (16) "Driving privilege card" means the evidence of the privilege granted and issued under this chapter  
to drive a motor vehicle to a person whose privilege was obtained without providing evidence of  
lawful presence in the United States.
- 2907 (17) "Electronic license certificate" means the evidence, in an electronic format as described in Section  
53-3-235, of a privilege granted under this chapter to drive a motor vehicle.
- 2910 (18) "Extension" means a renewal completed in a manner specified by the division.
- 2911 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for  
drawing plows, mowing machines, and other implements of husbandry.
- 2913 (20) "Highway" means the entire width between property lines of every way or place of any nature  
when any part of it is open to the use of the public, as a matter of right, for traffic.
- 2915 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 2916 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to a person for  
identification purposes.
- 2918 (23) "Indigent" means that a person's income falls below the federal poverty guideline issued annually  
by the United States Department of Health and Human Services in the Federal Register.

## SB0328S01 compared with SB0328S02

- 2921 (24) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 2922 (25) "Interdicted person identifier" means language and other security features on a license certificate or  
identification card indicating that the person is an interdicted person, which features include:
- 2925 (a) the language "No Alcohol Sale"; and
- 2926 (b) other security features identifying the individual as being restricted from purchasing alcohol,  
including a prominent red stripe on the front of the license or identification card.
- 2929 ~~[(24)]~~ (26) "License" means the privilege to drive a motor vehicle.
- 2930 ~~[(25)]~~ (27)
- (a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle.
- 2932 (b) "License certificate" evidence includes:
- 2933 (i) a regular license certificate;
- 2934 (ii) a limited-term license certificate;
- 2935 (iii) a driving privilege card;
- 2936 (iv) a CDL license certificate;
- 2937 (v) a limited-term CDL license certificate;
- 2938 (vi) a temporary regular license certificate;
- 2939 (vii) a temporary limited-term license certificate; and
- 2940 (viii) an electronic license certificate created in Section 53-3-235.
- 2941 ~~[(26)]~~ (28) "Limited-term commercial driver license" or "limited-term CDL" means a license:
- 2943 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and
- 2947 (b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
- 2949 ~~[(27)]~~ (29) "Limited-term identification card" means an identification card issued under this chapter to a  
person whose card was obtained by providing evidence of lawful presence in the United States with  
one of the document requirements described in Subsection 53-3-804(2)(i)(ii).
- 2953 ~~[(28)]~~ (30) "Limited-term license certificate" means the evidence of the privilege granted and issued  
under this chapter to drive a motor vehicle to a person whose privilege was obtained providing

## SB0328S01 compared with SB0328S02

evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

2957 ~~[(29)]~~ (31) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

2958 ~~[(30)]~~ (32) "Motor vehicle record" or "MVR" means a driving record under Subsection 53-3-109(7)(a).

2960 ~~[(31)]~~ (33) "Motorboat" means the same as that term is defined in Section 73-18-2.

2961 ~~[(32)]~~ (34) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

2964 ~~[(33)]~~ (35) "Office of Recovery Services" means the Office of Recovery Services, created in Section 26B-9-103.

2966 ~~[(34)]~~ (36) "Operate" means the same as that term is defined in Section 41-1a-102.

2967 ~~[(35)]~~ (37)

(a) "Owner" means a person other than a lien holder having an interest in the property or title to a vehicle.

2969 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

2972 ~~[(36)]~~ (38) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge, or other financial penalty imposed on an individual by a court or other government entity.

2975 ~~[(37)]~~ (39)

(a) "Private passenger carrier" means any motor vehicle for hire that is:

2976 (i) designed to transport 15 or fewer passengers, including the driver; and

2977 (ii) operated to transport an employee of the person that hires the motor vehicle.

2978 (b) "Private passenger carrier" does not include:

2979 (i) a taxicab;

2980 (ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;

2982 (iii) a motor vehicle driven for transportation network services as defined in Section 13-51-102; and

2984 (iv) a motor vehicle driven for a transportation network company as defined in Section 13-51-102 and registered with the Division of Consumer Protection as described in Section 13-51-104.

2987 ~~[(38)]~~ (40) "Regular identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

2991

## SB0328S01 compared with SB0328S02

[~~(39)~~] (41) "Regular license certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).

2995 [~~(40)~~] (42) "Renewal" means to validate a license certificate so that it expires at a later date.

2996 [~~(41)~~] (43) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221.

2999 [~~(42)~~] (44)

(a) "Resident" means an individual who:

3000 (i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

3003 (ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other than seasonal work in this state, and who does not commute into the state;

3006 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver license certificate or motor vehicle registration; or

3008 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees.

3011 (b) "Resident" does not include any of the following:

3012 (i) a member of the military, temporarily stationed in this state;

3013 (ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the student engages in any type of employment in this state;

3015 (iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned by or representing an employer, religious or private organization, or a governmental entity; or

3018 (iv) an immediate family member who resides with or a household member of a person listed in Subsections [~~(42)(b)(i)~~] (44)(b)(i) through (iii).

3020 [~~(43)~~] (45) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle.

3022 [~~(44)~~] (46)



## SB0328S01 compared with SB0328S02

(a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events.

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

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

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

~~{Section 25. Section 53-3-104 is amended to read: }~~

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

The division shall:

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

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

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

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

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

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

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

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

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

(i) ways drivers can improve air quality; and

(ii) the harmful effects of vehicle emissions;

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



## SB0328S01 compared with SB0328S02

- 3057 (3) license motor vehicle drivers;
- 3058 (4) file every application for a license received by the division and shall maintain indices containing:
- 3060 (a) all applications denied and the reason each was denied;
- 3061 (b) all applications granted; and
- 3062 (c) the name of every licensee whose license has been suspended, disqualified, or revoked by the  
division and the reasons for the action;
- 3064 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;
- 3066 (6) file all accident reports and abstracts of court records of convictions received by the division under  
state law;
- 3068 (7) maintain a record of each licensee showing the licensee's convictions and the traffic accidents in  
which the licensee has been involved where a conviction has resulted;
- 3070 (8) consider the record of a licensee upon an application for renewal of a license and at other  
appropriate times;
- 3072 (9) search the license files, compile, and furnish a report on the driving record of any individual  
licensed in the state in accordance with Section 53-3-109;
- 3074 (10) develop and implement a record system as required by Section 41-6a-604;
- 3075 (11) in accordance with Section 53G-10-507, establish:
- 3076 (a) procedures and standards to certify teachers of driver education classes to administer knowledge and  
skills tests;
- 3078 (b) minimal standards for the tests; and
- 3079 (c) procedures to enable school districts to administer or process any tests for students to receive a class  
D operator's license;
- 3081 (12) in accordance with Section 53-3-510, establish:
- 3082 (a) procedures and standards to certify licensed instructors of commercial driver training school courses  
to administer the skills test;
- 3084 (b) minimal standards for the test; and
- 3085 (c) procedures to enable licensed commercial driver training schools to administer or process skills tests  
for students to receive a class D operator's license;
- 3087 (13) provide administrative support to the Driver License Medical Advisory Board created in Section  
53-3-303;

3089

## SB0328S01 compared with SB0328S02

- (14) upon request by the lieutenant governor, provide the lieutenant governor with a digital copy of the driver license or identification card signature of an individual who is an applicant for voter registration under Section 20A-2-206;
- (15) in accordance with Section 53-3-407.1, establish:
- (a) procedures and standards to license a commercial driver license third party tester or commercial driver license third party examiner to administer the commercial driver license skills tests;
  - (b) minimum standards for the commercial driver license skills test; and
  - (c) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer a commercial driver license skills test for an applicant to receive a commercial driver license;[-and]
- (16) receive from the Department of Health and Human Services a result from a blood or urine test of an individual arrested for driving under the influence and use the blood or urine test result in an administrative hearing or agency review involving the individual who is the subject of the blood or urine test as described in Section 53-3-111[-] ; and
- (17) as soon as practicable, ensure that a license and identification card includes the ability to provide information about restrictions on the license or identification card through an electronic scan.

~~{Section 26. Section 53-3-105 is amended to read: }~~

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

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

- (1) An original class D license application under Section 53-3-205 is \$52.
- (2) An original provisional license application for a class D license under Section 53-3-205 is \$39.
- (3) An original limited term license application under Section 53-3-205 is \$32.
- (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.
- (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.
- (6) A learner permit application under Section 53-3-210.5 is \$19.
- (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12) applies.
- (8) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$52.
- (9) A renewal of a limited term license application under Section 53-3-214 is \$32.
- (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.
- (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.

## SB0328S01 compared with SB0328S02

- 3125 (12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is \$27.
- 3127 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17) applies.
- 3129 (14) An extension of a provisional license application for a class D license under Section 53-3-214 is \$42.
- 3131 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.
- 3132 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.
- 3133 (17) An extension of a class D license for an individual 65 and older under Section 53-3-214 is \$22.
- 3135 (18) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is \$52.
- 3138 (19) A commercial class A, B, or C license skills test is \$78.
- 3139 (20) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$9.
- 3141 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is \$9.
- 3143 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is \$9.
- 3145 (23)
- (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
- 3146 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 3147 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 3148 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 3149 (26)
- (a) A license reinstatement application under Section 53-3-205 is \$40.
- 3150 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is \$45 in addition to the fee under Subsection (26)(a).
- 3153 (27)
- (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.
- 3157 (b) This administrative fee is in addition to the fees under Subsection (26).

## SB0328S01 compared with SB0328S02

- 3158 (28)
- (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is \$8.
- 3160 (b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.
- 3162 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 3163 (30)
- (a) Except as provided under Subsections (30)(b) and (c), an identification card application under Section 53-3-808 is \$23.
- 3165 (b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 3167 (c) A fee may not be charged for an identification card application if the individual applying:
- 3169 (i)
- (A) has not been issued a Utah driver license;
- 3170 (B) is indigent; and
- 3171 (C) is at least 18 years old;
- 3172 (ii) submits written verification that the individual is homeless, as defined in Section 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 3175 (A) a homeless shelter, as defined in Section 35A-16-305;
- 3176 (B) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- 3178 (C) the Department of Workforce Services; or
- 3179 (D) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
- 3181 (iii) is under~~[the age of]~~ 26 years old and submits written verification that the individual:
- 3183 (A) is in the custody of the Division of Child and Family Services; or
- 3184 (B) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.
- 3187 (31)

## SB0328S01 compared with SB0328S02

- (a) An extension of a regular identification card under Subsection 53-3-807(4) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 3189 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 3193 (i) a homeless shelter, as defined in Section 35A-16-305;
- 3194 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- 3196 (iii) the Department of Workforce Services;
- 3197 (iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113; or
- 3199 (v) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).
- 3201 (32)
- (a) An extension of a regular identification card under Subsection 53-3-807(5) is \$23.
- 3203 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, from:
- 3206 (i) a homeless shelter, as defined in Section 35A-16-305;
- 3207 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- 3209 (iii) the Department of Workforce Services; or
- 3210 (iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113.
- 3212 (33) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
- 3216 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.
- 3217 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

## SB0328S01 compared with SB0328S02

- 3218 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.
- 3219 (37) An original driving privilege card application under Section 53-3-207 is \$32.
- 3220 (38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.
- 3221 (39) A fee may not be charged for an original class D license application, original provisional license application for a class D license, or a learner permit application if the individual applying is:
- 3224 (a) under ~~[the age of]~~ 26 years old; and
- 3225 (b) submits written verification that the individual:
- 3226 (i) is in the custody of the Division of Child and Family Services; or
- 3227 (ii) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.
- 3230 (40) An administrative fee to add an interdicted person identifier to a license certificate under Section 53-3-236 or identification card under Section 53-3-805 is \$7.
- 3232 Section 27. Section **27** is enacted to read:
- 3233 **53-3-236. Interdicted person identifier -- License notation.**
- 3234 (1) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:
- 3237 (a)
- (i) may accept an application from the individual for a duplicate license that includes an interdicted person identifier; and
- 3239 (ii) if the individual submits an application and qualifies for a license certificate, may provide a license certificate with the interdicted person identifier; or
- 3241 (b)
- (i) may accept an application from the individual for a renewal of a license or an original license with an interdicted person identifier; and
- 3243 (ii) if the individual submits an application and qualifies for a license certificate, may provide a license certificate with an interdicted person identifier.
- 3245 (2) The division may not provide to an individual a license certificate without the interdicted person identifier during the time period the court has designated the person as an interdicted person.
- 3248 (3)
- (a) An individual may voluntarily apply for a duplicate license, original license, or renewal of a license that includes an interdicted person identifier.

## SB0328S01 compared with SB0328S02

- 3250 (b) An individual that voluntarily applies for a duplicate license, original license, or renewal of a license with an interdicted person identifier may not apply for another duplicate license, original license, or renewal of a license without the interdicted person identifier for at least 30 days after the application for the license certificate with the interdicted person identifier.
- 3255 (4) An individual may not hold a license certificate with an interdicted person identifier while also holding another license certificate.
- 3257 (5) The division may charge an administrative fee as described in Subsection 53-3-105(40) to an individual to process and provide a license certificate with an interdicted person identifier.
- 3260 (6) An individual who is designated as an interdicted person by a court is subject to the duplicate license fee and other fees necessary to administer the license certificate with the interdicted person identifier.
- 3263 ~~{Section 28. Section 53-3-805 is amended to read: }~~
- 3264 **53-3-805. Identification card -- Contents -- Specifications.**
- 3265 (1) As used in this section:
- 3266 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
- 3267 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.
- 3268 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.
- 3269 (d) "Invisible condition identification symbol" means the same as that term is defined in Section 53-3-207.
- 3271 (2)
- 3272 (a) The division shall issue an identification card that bears:
- 3273 (i) the distinguishing number assigned to the individual by the division;
- 3274 (ii) the name, birth date, and Utah residence address of the individual;
- 3275 (iii) a brief description of the individual for the purpose of identification;
- 3276 (iv) a photograph of the individual;
- 3277 (v) a photograph or other facsimile of the individual's signature;
- 3277 (vi) an indication whether the individual intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and
- 3279 (vii) if the individual states that the individual is a veteran of the United States military on the application for an identification card in accordance with Section 53-3-804 and provides verification that the individual received an honorable or general discharge from the United



## SB0328S01 compared with SB0328S02

States Armed Forces, an indication that the individual is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

- 3285 (b) An identification card issued by the division may not bear the individual's social security number or  
place of birth.
- 3287 (3)
- (a) The card shall be of an impervious material, resistant to wear, damage, and alteration.
- 3289 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is prescribed by the  
commissioner.
- 3291 (4) At the applicant's request, the card may include a statement that the applicant has a special medical  
problem or allergies to certain drugs, for the purpose of medical treatment.
- 3294 (5)
- (a) The division shall include or affix an invisible condition identification symbol on an individual's  
identification card if the individual or the individual's authorized guardian, on a form prescribed by  
the department:
- 3297 (i) requests the division to include the invisible condition identification symbol;
- 3298 (ii) provides written verification from a health care professional that the individual is an individual  
with an invisible condition; and
- 3300 (iii) submits a signed waiver of liability for the release of any medical information to:
- 3301 (A) the department;
- 3302 (B) any person who has access to the individual's medical information as recorded on the individual's  
driving record or the Utah Criminal Justice Information System under this chapter;
- 3305 (C) any other person who may view or receive notice of the individual's medical information by seeing  
the individual's identification card or the individual's information in the Utah Criminal Justice  
Information System;
- 3308 (D) a local law enforcement agency that receives a copy of the form described in this Subsection (5)  
(a) and enters the contents of the form into the local law enforcement agency's record management  
system or computer-aided dispatch system; and
- 3312 (E) a dispatcher who accesses the information regarding the individual's invisible condition through  
the use of a local law enforcement agency's record management system or computer-aided dispatch  
system.
- 3315



## SB0328S01 compared with SB0328S02

(b) As part of the form described in Subsection (5)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the request and signed waiver, the individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsection (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.

3321 (c) The division may not:

3322 (i) charge a fee to include the invisible condition identification symbol on the individual's identification card; or

3324 (ii) after including the invisible condition identification symbol on the individual's previously issued identification card, require the individual to provide subsequent written verification described in Subsection (5)(a)(ii) to include the invisible condition identification symbol on the individual's extended identification card.

3328 (d) The division shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (5)(a)(ii) holds a current state license.

3330 (e) The inclusion of an invisible condition identification symbol on an individual's identification card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

3334 (f) For each individual issued an identification card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.

3339 (g) Except as provided in this section, the division may not release the information described in Subsection (5)(f).

3341 (h) Within 30 days after the day on which the division receives an individual's or the individual's authorized guardian's written request, the division shall:

3343 (i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (5)(f); and

3346 (ii) provide the individual's updated record to the Utah Criminal Justice Information System.

3348 (6)

(a) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:

## SB0328S01 compared with SB0328S02

- 3351        (i) may accept an application from the individual for an identification card that includes an  
             interdicted person identifier; and
- 3353        (ii) if the individual submits an application and qualifies for an identification card, may provide an  
             identification card with the interdicted person identifier.
- 3355        (b)
- (i) An individual may voluntarily apply for an identification card that includes an interdicted person  
             identifier.
- 3357        (ii) An individual that voluntarily applies for an identification card with an interdicted person identifier  
             may not apply for another identification card without the interdicted person identifier for at least 30  
             days after the application for the identification card with the interdicted person identifier.
- 3361        (c) The division may not provide to an individual an identification card without the interdicted person  
             identifier during the time period the court has designated the person as an interdicted person.
- 3364        (d) The division may charge an administrative fee as described in Subsection 53-3-105(40) to an  
             individual to process and provide an identification card with an interdicted person identifier.
- 3367        (e) An individual who is designated as an interdicted person by a court is subject to the identification  
             card fee and other fees necessary to administer the identification card with an interdicted person  
             identifier.
- 3370        ~~[(6)]~~ (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a private  
             record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
- 3373        ~~[(7)]~~ (8)
- (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in  
             accordance with division rule.
- 3375        (b)
- (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the  
             division may, upon request, release to an organ procurement organization, as defined in Section  
             26B-8-301, the names and addresses of all individuals who under Subsection 53-3-804(2)(j) indicate  
             that they intend to make an anatomical gift.
- 3380        (ii) An organ procurement organization may use released information only to:
- 3381        (A) obtain additional information for an anatomical gift registry; and
- 3382        (B) inform applicants of anatomical gift options, procedures, and benefits.
- 3383

## SB0328S01 compared with SB0328S02

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

3387 [~~(9)~~] (10) The division and the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

3390 (a) loss;

3391 (b) detriment; or

3392 (c) injury.

3393 [~~(10)~~] (11)

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

3397 (b) A temporary regular identification card issued under this Subsection [~~(10)~~] (11) shall be recognized and grant the individual the same privileges as a regular identification card.

3400 (c) A temporary regular identification card issued under this Subsection [~~(10)~~] (11) is invalid:

3402 (i) when the individual's regular identification card has been issued;

3403 (ii) when, for good cause, an applicant's application for a regular identification card has been refused; or

3405 (iii) upon expiration of the temporary regular identification card.

3406 (d) The division shall coordinate with the Department of Corrections in providing an inmate with a temporary regular identification card as described in Section 64-13-10.6.

3408 ~~{Section 29. Section 53-3-808 is amended to read: }~~

3409 **53-3-808. Fee required for identification card.**

3410 (1) The commissioner may charge and collect a fee only as provided by Section 53-3-105 when an application for an identification card or an identification card with an interdicted person identifier is submitted.

3413 (2)

(a) Before accepting an application from an indigent person for an identification card without the payment of a fee, the division shall require that the indigent person sign a statement under penalty of perjury that the person is indigent.

3416 (b) The division may require an indigent person applying for an identification card without the payment of a fee to execute a release form allowing the division to inquire with the State Tax Commission

## SB0328S01 compared with SB0328S02

whether the person has filed state income tax returns or has state income tax withholding suggesting that the person is not indigent.

3420 {Section 30. Section ~~64-13-30.5~~ is amended to read: }

3421 **64-13-30.5. Payment by inmate for postsecondary educational tuition.**

3422 (1)

(a) An inmate participating in a postsecondary education program through the department shall pay to the department at the time of enrollment 50% of the costs of the postsecondary education tuition.

3425 (b) If an inmate desires to participate in the postsecondary education program but is unable to pay the costs of the education because of inadequate financial resources, the inmate may participate in a deferred tuition payment program under this section.

3428 (c) The department and the Office of State Debt Collection shall coordinate a deferred postsecondary education tuition repayment program to provide inmates a reasonable payment schedule and payment amount to allow for deferred payment of the postsecondary educational tuition obligation the inmate incurred while under supervision of the department, which shall:

3433 (i) account for all postsecondary education tuition costs incurred by the inmate while under the supervision of the department;

3435 (ii) establish an appropriate time for the inmate to begin payment of postsecondary education tuition costs, which shall require that payments start no later than two years after termination of parole; and

3438 (iii) establish a payment schedule and payment amounts, including prevailing interest rates, commensurate with student loans currently being offered by local financial institutions.

3441 (d) Neither the department nor the Office of State Debt Collection may relieve an offender of the postsecondary tuition repayment responsibility.

3443 (e) The department shall pay costs of postsecondary education not paid by the offender at the time of participation in the program from the ~~[Prison Telephone Surcharge]~~ Inmate Education Restricted Account.

3446 (2)

(a) Of those tuition funds collected by the Office of State Debt Collection under this section, 10% may be used by the Office of State Debt Collection for operation of the deferred payment program.

3449 (b) All other funds collected as repayment for postsecondary tuition costs shall be deposited ~~[in]~~ into the ~~[Prison Telephone Surcharge]~~ Inmate Education Restricted Account.

3452

## SB0328S01 compared with SB0328S02

(3) Only inmates lawfully present in the United States may participate in the postsecondary educational program offered through the department.

3454 {Section 31. Section ~~64-13-42~~ is amended to read: }

3455 **64-13-42. Inmate Education Restricted Account -- Funding inmate and offender education and training programs.**

3457 (1)

(a) There is created within the General Fund a restricted account known as the ~~[Prison Telephone Surcharge]~~ Inmate Education Restricted Account.

3459 (b) The ~~[Prison Telephone Surcharge]~~ Inmate Education Restricted Account consists of:

3460 (i) revenue generated by the state from pay telephone services located at any correctional facility as defined in Section 64-13-1;

3462 (ii) interest on account money;

3463 (iii)

(A) money paid by inmates participating in postsecondary education provided by the department; and

3465 (B) money repaid by former inmates who have a written agreement with the department to pay for a specified portion of the tuition costs under the department's deferred tuition payment program;

3468 (iv) money collected by the Office of State Debt Collection for debt described in Subsection (1)(b)(iii);[  
and]

3470 (v) money appropriated by the Legislature[-] ;

3471 (vi) deposits made under Section 32B-2-304; and

3472 (vii) private donations, grants, gifts, bequests, or money made available from any other source.

3474 (2) The department shall administer the account for the purposes described in Subsection (3).

3475 [(2)] (3) Upon appropriation by the Legislature, the department shall use money from the [Prison Telephone Surcharge] Inmate Education Restricted Account [shall be used by the department for education and training programs for offenders and inmates as defined in Section 64-13-1.] to provide offenders and inmates:

3479 (a) vocational training; and

3480 (b) higher education coursework needed to obtain an associate's degree.

3481 (4) The following entities may provide the services described in Subsection (3):

3482 (a) Snow College;

3483 (b) Salt Lake Community College; and

## SB0328S01 compared with SB0328S02

- 3484 (c) Davis Technical College.
- 3485 (5) The department may expend money from the account to offset actual department expenses related to  
administering this section.
- 3487 ~~{Section 32. Section 76-5-102.1 is amended to read: }~~
- 3488 **76-5-102.1. Negligently operating a vehicle resulting in injury.**
- 3489 (1)
- 3490 (a) As used in this section:
- 3491 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 3492 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
- 3493 (iii) "Negligent" or "negligence" means the same as that term is defined in Section 76-5-207.
- 3494 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 3495 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 3496 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:
- 3497 (a)
- 3498 (i) operates a vehicle in a negligent manner causing bodily injury to another; and
- 3499 (ii)
- 3500 (A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor
- 3501 has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
- 3502 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol and a drug to a
- 3503 degree that renders the actor incapable of safely operating a vehicle; or
- 3504 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or
- 3505 (b)
- 3506 (i) operates a vehicle in a criminally negligent manner causing bodily injury to another; and
- 3507 (ii) has in the actor's body any measurable amount of a controlled substance.
- 3508 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 3509 (a)
- 3510 (i) a class A misdemeanor;[~~or~~]
- 3511 (ii) a third degree felony if the actor has two or more driving under the influence related convictions
- 3512 under Subsection 41-6a-501(2)(a), each of which is within 10 years of:
- 3513 (A) the current conviction; or
- 3514 (B) the commission of the offense upon which the current conviction is based;
- 3515

## SB0328S01 compared with SB0328S02

- 3516 (iii) a third degree felony, if the current conviction is at any time after the conviction of:  
3518 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2), that is a felony; or  
3520 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of conviction is reduced  
under Section 76-3-402; or
- 3522 (iv) a third degree felony if the bodily injury is serious bodily injury; and  
3523 (b) a separate offense for each victim suffering bodily injury as a result of the actor's violation of this  
section, regardless of whether the injuries arise from the same episode of driving.
- 3526 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under Subsection (2)(b)  
if:
- 3528 (a) the controlled substance was obtained under a valid prescription or order, directly from a  
practitioner while acting in the course of the practitioner's professional practice, or as otherwise  
authorized by Title 58, Occupations and Professions;
- 3531 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or  
3532 (c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-4.2 if:  
3534 (i) the actor is the subject of medical research conducted by a holder of a valid license to possess  
controlled substances under Section 58-37-6; and  
3536 (ii) the substance was administered to the actor by the medical researcher.
- 3537 (5)
- (a) A judge imposing a sentence under this section may consider:
- 3538 (i) the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;  
3540 (ii) the defendant's history;  
3541 (iii) the facts of the case;  
3542 (iv) aggravating and mitigating factors; or  
3543 (v) any other relevant fact.
- 3544 (b) The judge may not impose a lesser sentence than would be required for a conviction based on the  
defendant's history under Section 41-6a-505.
- 3546 (c) The standards for chemical breath analysis under Section 41-6a-515 and the provisions for the  
admissibility of chemical test results under Section 41-6a-516 apply to determination and proof of  
blood alcohol content under this section.
- 3549 (d) A calculation of blood or breath alcohol concentration under this section shall be made in  
accordance with Subsection 41-6a-502(3).



## SB0328S01 compared with SB0328S02

- 3551 (e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or  
has been legally entitled to use alcohol or a drug is not a defense.
- 3553 (f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except if  
prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.
- 3556 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this  
section may not be held in abeyance.
- 3558 (6)  
(a) A judge imposing a sentence under this section shall designate the defendant as an interdicted  
person, as that term is defined in Section 32B-1-102, for a period of time not to exceed the  
probationary period, unless the court finds good cause to order a shorter or longer time.
- 3562 (b) If a court designates a person as an interdicted person as provided in Subsection (6)(a), the court  
shall:
- 3564 (i) require the person to surrender the person's identification card or driver license;
- 3565 (ii) notify the Driver License Division that the person is an interdicted person; and
- 3566 (iii) provide the person's identification card or driver license to the Driver License Division.
- 3568 ~~{Section 33. Section 76-5-207 is amended to read: }~~
- 3569 **76-5-207. Automobile homicide -- Penalties -- Evidence.**
- 3570 (1)
- (a) As used in this section:
- 3571 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 3572 (ii) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).
- 3574 (iii) "Drug" means:
- 3575 (A) a controlled substance;
- 3576 (B) a drug as defined in Section 58-37-2; or
- 3577 (C) a substance that, when knowingly, intentionally, or recklessly taken into the human body, can  
impair the ability of an individual to safely operate a vehicle.
- 3579 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that degree of care  
that reasonable and prudent persons exercise under like or similar circumstances.
- 3582 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 3583 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 3584 (2) An actor commits automobile homicide if the actor:



## SB0328S01 compared with SB0328S02

- 3585 (a)
- (i) operates a vehicle in a negligent or criminally negligent manner causing the death of another individual; and
- 3587 (ii)
- (A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
- 3590 (B) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the actor incapable of safely operating a vehicle; or
- 3593 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or
- 3595 (b)
- (i) operates a vehicle in a criminally negligent manner causing death to another; and
- 3597 (ii) has in the actor's body any measurable amount of a controlled substance.
- 3598 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 3599 (a) a second degree felony, punishable by a term of imprisonment of not less than five years nor more than 15 years; and
- 3601 (b) a separate offense for each victim suffering death as a result of the actor's violation of this section, regardless of whether the deaths arise from the same episode of driving.
- 3604 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 3605 (a) the controlled substance was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 3608 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 3609 (c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-4.2 if:
- 3611 (i) the actor is the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-6; and
- 3613 (ii) the substance was administered to the actor by the medical researcher.
- 3614 (5)
- (a) A judge imposing a sentence under this section may consider:
- 3615 (i) the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;
- 3617 (ii) the defendant's history;
- 3618 (iii) the facts of the case;

## SB0328S01 compared with SB0328S02

- 3619 (iv) aggravating and mitigating factors; or  
3620 (v) any other relevant fact.
- 3621 (b) The judge may not impose a lesser sentence than would be required for a conviction based on the  
defendant's history under Section 41-6a-505.
- 3623 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the provisions for  
the admissibility of chemical test results as provided by Section 41-6a-516 apply to determination  
and proof of blood alcohol content under this section.
- 3627 (d) A calculation of blood or breath alcohol concentration under this section shall be made in  
accordance with Subsection 41-6a-502(3).
- 3629 (e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or  
has been legally entitled to use alcohol or a drug is not a defense.
- 3631 (f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when  
prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.
- 3634 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this  
section may not be held in abeyance.
- 3636 (6) If, when imposing a sentence under this section, the court finds that it is in the interest of justice to  
suspend the imposition of prison, the court shall detail the finding on the record, including why a  
suspended prison sentence is in the interest of justice.
- 3639 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than three years nor  
more than 15 years if the court details on the record why it is in the interest of justice.
- 3642 (8)  
(a) A judge imposing a sentence under this section shall designate the defendant as an interdicted  
person, as that term is defined in Section 32B-1-102, for a period of time not to exceed the  
probationary period, unless the court finds good cause to order a shorter or longer time.
- 3646 (b) If a court designates a person as an interdicted person as provided in Subsection (8)(a), the court  
shall:
- 3648 (i) require the person to surrender the person's identification card or driver license;  
3649 (ii) notify the Driver License Division that the person is an interdicted person; and  
3650 (iii) provide the person's identification card or driver license to the Driver License Division.

3693 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

## **SB0328S01 compared with SB0328S02**

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