

Resident Student Tuition
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

LONG TITLE

General Description:

This bill amends the list of individuals who are eligible for in-state resident student tuition.

Highlighted Provisions:

This bill:

▸ amends the list of individuals who are eligible for in-state resident student tuition to include employment-based immigrant visas.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-8-102, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481

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

Section 1. Section **53B-8-102** is amended to read:

53B-8-102 . Definitions -- Resident student status -- Exceptions.

(1) As used in this section:

(a) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38 U.S.C., Veterans' Benefits.

(b) "Immediate family member" means an individual's spouse or dependent child.

(c) "Inmate" means the same as that term is defined in Section 64-13-1.

(d) "Military service member" means an individual who:

(i) is serving on active duty in the United States Armed Forces within the state of Utah;

(ii) is a member of a reserve component of the United States Armed Forces assigned in Utah;

- 31 (iii) is a member of the Utah National Guard; or
- 32 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
33 outside of Utah pursuant to federal permanent change of station orders.
- 34 (e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 35 (f) "Parent" means a student's biological or adoptive parent.
- 36 (2) The meaning of "resident student" is determined by reference to the general law on the
37 subject of domicile, except as provided in this section.
- 38 (3)(a) Institutions within the state system of higher education may grant resident student
39 status to any student who has come to Utah and established residency for the purpose
40 of attending an institution of higher education, and who, prior to registration as a
41 resident student:
- 42 (i) has maintained continuous Utah residency status for one full year;
- 43 (ii) has signed a written declaration that the student has relinquished residency in any
44 other state; and
- 45 (iii) has submitted objective evidence that the student has taken overt steps to
46 establish permanent residency in Utah and that the student does not maintain a
47 residence elsewhere.
- 48 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 49 (i) a Utah high school transcript issued in the past year confirming attendance at a
50 Utah high school in the past 12 months;
- 51 (ii) a Utah voter registration dated a reasonable period prior to application;
- 52 (iii) a Utah driver license or identification card with an original date of issue or a
53 renewal date several months prior to application;
- 54 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 55 (v) evidence of employment in Utah for a reasonable period prior to application;
- 56 (vi) proof of payment of Utah resident income taxes for the previous year;
- 57 (vii) a rental agreement showing the student's name and Utah address for at least 12
58 months prior to application; and
- 59 (viii) utility bills showing the student's name and Utah address for at least 12 months
60 prior to application.
- 61 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
62 resident of Utah is not eligible to apply for resident student status.
- 63 (4) Except as provided in Subsection (8), an institution within the state system of higher
64 education may establish stricter criteria for determining resident student status.

- 65 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
66 honor the decision of another institution within the state system of higher education to
67 grant a student resident student status, unless:
- 68 (a) the student obtained resident student status under false pretenses; or
 - 69 (b) the facts existing at the time of the granting of resident student status have changed.
- 70 (6) Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each
71 institution within the state system of higher education may, regardless of its policy on
72 obtaining resident student status, waive nonresident tuition either in whole or in part, but
73 not other fees.
- 74 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
75 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
76 maximum number allowed by the appropriate athletic conference as recommended by
77 the president of each institution.
- 78 (8) Notwithstanding Subsection (3), an institution within the state system of higher
79 education shall grant resident student status for tuition purposes to:
- 80 (a) a military service member, if the military service member provides:
 - 81 (i) the military service member's current United States military identification card;
 - 82 and
 - 83 (ii)(A) a statement from the military service member's current commander, or
 - 84 equivalent, stating that the military service member is assigned in Utah; or
 - 85 (B) evidence that the military service member is domiciled in Utah, as described
 - 86 in Subsection (9)(a);
 - 87 (b) a military service member's immediate family member, if the military service
88 member's immediate family member provides:
 - 89 (i)(A) the military service member's current United States military identification
90 card; or
 - 91 (B) the immediate family member's current United States military identification
92 card; and
 - 93 (ii)(A) a statement from the military service member's current commander, or
 - 94 equivalent, stating that the military service member is assigned in Utah;
 - 95 (B) evidence that the military service member is domiciled in Utah, as described
 - 96 in Subsection (9)(a); or
 - 97 (C) evidence that the immediate family member completed at least one year of
 - 98 grades 9 through 12 at a local education agency, as defined in Section

99 53E-1-102, within the state while the military service member was assigned in
100 Utah, regardless of the service member's current assignment.

101 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
102 military veteran provides:

103 (i) evidence of an honorable or general discharge;

104 (ii) a signed written declaration that the military veteran has relinquished residency in
105 any other state and does not maintain a residence elsewhere;

106 (iii) objective evidence that the military veteran has demonstrated an intent to
107 establish residency in Utah, which may include any one of the following:

108 (A) a Utah voter registration card;

109 (B) a Utah driver license or identification card;

110 (C) a Utah vehicle registration;

111 (D) evidence of employment in Utah;

112 (E) a rental agreement showing the military veteran's name and Utah address; or

113 (F) utility bills showing the military veteran's name and Utah address;

114 (d) a military veteran's immediate family member, regardless of whether the military
115 veteran served in Utah, if the military veteran's immediate family member provides:

116 (i) evidence of the military veteran's honorable or general discharge;

117 (ii) a signed written declaration that the military veteran's immediate family member
118 has relinquished residency in any other state and does not maintain a residence
119 elsewhere; and

120 (iii) objective evidence that the military veteran's immediate family member has
121 demonstrated an intent to establish residency in Utah, which may include one of
122 the items described in Subsection (8)(c)(iii);

123 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
124 is either:

125 (i) domiciled in Utah, recognizing the individual may not be physically present in the
126 state due to an assignment; or

127 (ii) assigned to a duty station in Utah if the foreign service member provides:

128 (A) evidence of the foreign service member's status;

129 (B) a statement from the foreign service member's current commander, or
130 equivalent, stating that the foreign service member is assigned in Utah; or

131 (C) evidence that the foreign service member is domiciled in Utah;

132 (f) a foreign service member's immediate family member if the foreign service member

- 133 is either:
- 134 (i) domiciled in Utah, recognizing the individual may not be physically present in the
135 state due to an assignment; or
- 136 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 137 (A) evidence of the foreign service member's status;
- 138 (B) a statement from the foreign service member's current commander, or
139 equivalent, stating that the foreign service member is assigned in Utah; or
- 140 (C) evidence that the foreign service member is domiciled in Utah;
- 141 (g) an eligible person who provides:
- 142 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
- 143 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
144 under Title 38 U.S.C.; and
- 145 (iii) objective evidence that the eligible person has demonstrated an intent to establish
146 residency in Utah, which may include one of the items described in Subsection
147 (8)(c)(iii);
- 148 (h) an alien who provides:
- 149 (i) evidence that the alien is a special immigrant visa recipient;
- 150 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
151 temporary protected status, or asylum; or
- 152 (iii) evidence that the alien has submitted in good faith an application for refugee
153 status, humanitarian parole, temporary protected status, or asylum under United
154 States immigration law; or
- 155 (i) an inmate:
- 156 (i) during the time the inmate is enrolled in the course; and
- 157 (ii) for one year after the day on which the inmate is released from a correctional
158 facility as defined in Section 64-13-1.
- 159 (9)(a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 160 (i) a current Utah voter registration card;
- 161 (ii) a valid Utah driver license or identification card;
- 162 (iii) a current Utah vehicle registration;
- 163 (iv) a copy of a Utah income tax return, in the military service member's or military
164 service member's spouse's name, filed as a resident in accordance with Section
165 59-10-502; or
- 166 (v) proof that the military service member or military service member's spouse owns

- 167 a home in Utah, including a property tax notice for property owned in Utah.
- 168 (b) Aliens who are present in the United States on visitor, student, or other visas not
169 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
170 country, do not have the capacity to intend to reside in Utah for an indefinite period
171 and therefore are classified as nonresidents.
- 172 (c) Aliens who have been granted or have applied for an employment-based immigrant
173 visa or permanent resident status in the United States are classified for purposes of
174 resident student status according to the same criteria applicable to citizens.
- 175 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
176 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
177 with the border of Utah, and any American Indian who is a member of a federally
178 recognized or known Utah tribe and who has graduated from a high school in Utah, is
179 entitled to resident student status.
- 180 (11) A Job Corps student is entitled to resident student status if the student:
- 181 (a) is admitted as a full-time, part-time, or summer school student in a program of study
182 leading to a degree or certificate; and
- 183 (b) submits verification that the student is a current Job Corps student.
- 184 (12) A person is entitled to resident student status and may immediately apply for resident
185 student status if the person:
- 186 (a) marries a Utah resident eligible to be a resident student under this section; and
187 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
188 provided in Subsection (3).
- 189 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
190 who has been domiciled in Utah for at least 12 months prior to the student's application
191 is entitled to resident student status.
- 192 (14)(a) A person who has established domicile in Utah for full-time permanent
193 employment may rebut the presumption of a nonresident classification by providing
194 substantial evidence that the reason for the individual's move to Utah was, in good
195 faith, based on an employer requested transfer to Utah, recruitment by a Utah
196 employer, or a comparable work-related move for full-time permanent employment
197 in Utah.
- 198 (b) All relevant evidence concerning the motivation for the move shall be considered,
199 including:
- 200 (i) the person's employment and educational history;

- 201 (ii) the dates when Utah employment was first considered, offered, and accepted;
202 (iii) when the person moved to Utah;
203 (iv) the dates when the person applied for admission, was admitted, and was enrolled
204 as a postsecondary student;
205 (v) whether the person applied for admission to an institution of higher education
206 sooner than four months from the date of moving to Utah;
207 (vi) evidence that the person is an independent person who is:
208 (A) at least 24 years old; or
209 (B) not claimed as a dependent on someone else's tax returns; and
210 (vii) any other factors related to abandonment of a former domicile and establishment
211 of a new domicile in Utah for purposes other than to attend an institution of higher
212 education.
- 213 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
214 athlete training program, at a facility in Utah, approved by the governing body for the
215 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
216 (b) Upon the termination of the athlete's participation in the training program, the athlete
217 shall be subject to the same residency standards applicable to other persons under this
218 section.
219 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
220 counts for Utah residency for tuition purposes upon termination of the athlete's
221 participation in a Utah Olympic athlete training program.
- 222 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the
223 death of a spouse, or long-term health care responsibilities for an immediate family
224 member, including the person's spouse, parent, sibling, or child, may rebut the
225 presumption of a nonresident classification by providing substantial evidence that the
226 reason for the individual's move to Utah was, in good faith, based on the long-term
227 health care responsibilities.
228 (b) All relevant evidence concerning the motivation for the move shall be considered,
229 including:
230 (i) the person's employment and educational history;
231 (ii) the dates when the long-term health care responsibilities in Utah were first
232 considered, offered, and accepted;
233 (iii) when the person moved to Utah;
234 (iv) the dates when the person applied for admission, was admitted, and was enrolled

235 as a postsecondary student;
236 (v) whether the person applied for admission to an institution of higher education
237 sooner than four months from the date of moving to Utah;
238 (vi) evidence that the person is an independent person who is:
239 (A) at least 24 years old; or
240 (B) not claimed as a dependent on someone else's tax returns; and
241 (vii) any other factors related to abandonment of a former domicile and establishment
242 of a new domicile in Utah for purposes other than to attend an institution of higher
243 education.

244 (17) A foreign service member or the foreign service member's immediate family member
245 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the
246 eligibility for resident student status if the foreign service member or immediate family
247 member maintains continuous enrollment even in the case of a change in domicile or
248 duty station.

249 (18) The board, after consultation with the institutions, shall make rules not inconsistent
250 with this section:

251 (a) concerning the definition of resident and nonresident students;
252 (b) establishing procedures for classifying and reclassifying students;
253 (c) establishing criteria for determining and judging claims of residency or domicile;
254 (d) establishing appeals procedures; and
255 (e) other matters related to this section.

256 (19) A student shall be exempt from paying the nonresident portion of total tuition if the
257 student:

258 (a) is a foreign national legally admitted to the United States;
259 (b) attended high school in this state for three or more years; and
260 (c) graduated from a high school in this state or received the equivalent of a high school
261 diploma in this state.

262 **Section 2. Effective Date.**

263 This bill takes effect on May 7, 2025.