

Interdicted Person Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Jerry W. Stevenson

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

31 **32B-5-306**, as last amended by Laws of Utah 2019, Chapter 403
 32 **41-6a-102**, as last amended by Laws of Utah 2024, Chapter 236
 33 **41-6a-505**, as last amended by Laws of Utah 2024, Chapters 134, 197
 34 **53-3-102**, as last amended by Laws of Utah 2024, Chapter 517
 35 **53-3-104**, as last amended by Laws of Utah 2024, Chapter 106
 36 **53-3-105**, as last amended by Laws of Utah 2024, Chapter 527
 37 **53-3-802**, as renumbered and amended by Laws of Utah 1993, Chapter 234
 38 **53-3-805**, as last amended by Laws of Utah 2023, Chapters 328, 414 and 456
 39 **53-3-808**, as last amended by Laws of Utah 2009, Chapter 45

40 ENACTS:

41 **53-3-236**, Utah Code Annotated 1953

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

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

45 **32B-1-102 . Definitions.**

46 As used in this title:

- 47 (1) "Airport lounge" means a business location:
 48 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
 49 (b) that is located at an international airport or domestic airport.
- 50 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail
 51 License Act, and Chapter 6, Part 5, Airport Lounge License.
- 52 (3) "Alcoholic beverage" means the following:
 53 (a) beer; or
 54 (b) liquor.
- 55 (4)(a) "Alcoholic product" means a product that:
 56 (i) contains at least .5% of alcohol by volume; and
 57 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
 58 process that uses liquid or combinations of liquids, whether drinkable or not, to
 59 create alcohol in an amount equal to or greater than .5% of alcohol by volume.
- 60 (b) "Alcoholic product" includes an alcoholic beverage.
- 61 (c) "Alcoholic product" does not include any of the following common items that
 62 otherwise come within the definition of an alcoholic product:
 63 (i) except as provided in Subsection (4)(d), an extract;
 64 (ii) vinegar;

- 65 (iii) preserved nonintoxicating cider;
- 66 (iv) essence;
- 67 (v) tincture;
- 68 (vi) food preparation; or
- 69 (vii) an over-the-counter medicine.
- 70 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 71 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 72 (5) "Alcohol training and education seminar" means a seminar that is:
- 73 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 74 (b) described in Section 26B-5-205.
- 75 (6) "Arena" means an enclosed building:
- 76 (a) that is managed by:
- 77 (i) the same person who owns the enclosed building;
- 78 (ii) a person who has a majority interest in each person who owns or manages a space
- 79 in the enclosed building; or
- 80 (iii) a person who has authority to direct or exercise control over the management or
- 81 policy of each person who owns or manages a space in the enclosed building;
- 82 (b) that operates as a venue; and
- 83 (c) that has an occupancy capacity of at least 12,500.
- 84 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail License Act,
- 85 and Chapter 8c, Arena License Act.
- 86 (8) "Banquet" means an event:
- 87 (a) that is a private event or a privately sponsored event;
- 88 (b) that is held at one or more designated locations approved by the commission in or on
- 89 the premises of:
- 90 (i) a hotel;
- 91 (ii) a resort facility;
- 92 (iii) a sports center;
- 93 (iv) a convention center;
- 94 (v) a performing arts facility;
- 95 (vi) an arena; or
- 96 (vii) a restaurant venue;
- 97 (c) for which there is a contract:
- 98 (i) between a person operating a facility listed in Subsection (8)(b) and another

- 99 person that has common ownership of less than 20% with the person operating the
100 facility; and
- 101 (ii) under which the person operating a facility listed in Subsection (8)(b) is required
102 to provide an alcoholic product at the event; and
- 103 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 104 (9)(a) "Bar establishment license" means a license issued in accordance with Chapter 5,
105 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 106 (b) "Bar establishment license" includes:
- 107 (i) a dining club license;
- 108 (ii) an equity license;
- 109 (iii) a fraternal license; or
- 110 (iv) a bar license.
- 111 (10) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
112 and Chapter 6, Part 4, Bar Establishment License.
- 113 (11)(a) "Beer" means a product that:
- 114 (i) contains:
- 115 (A) at least .5% of alcohol by volume; and
- 116 (B) no more than 5% of alcohol by volume or 4% by weight;
- 117 (ii) is obtained by fermentation, infusion, or decoction of:
- 118 (A) malt; or
- 119 (B) a malt substitute; and
- 120 (iii) is clearly marketed, labeled, and identified as:
- 121 (A) beer;
- 122 (B) ale;
- 123 (C) porter;
- 124 (D) stout;
- 125 (E) lager;
- 126 (F) a malt;
- 127 (G) a malted beverage; or
- 128 (H) seltzer.
- 129 (b) "Beer" may contain:
- 130 (i) hops extract;
- 131 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 132 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:

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

- 167 (16) "Brewer" means a person engaged in manufacturing:
168 (a) beer;
169 (b) heavy beer; or
170 (c) a flavored malt beverage.
- 171 (17) "Brewery manufacturing license" means a license issued in accordance with Chapter
172 11, Part 5, Brewery Manufacturing License.
- 173 (18) "Certificate of approval" means a certificate of approval obtained from the department
174 under Section 32B-11-201.
- 175 (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a
176 bus company to a group of persons pursuant to a common purpose:
177 (a) under a single contract;
178 (b) at a fixed charge in accordance with the bus company's tariff; and
179 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
180 motor vehicle, and a driver to travel together to one or more specified destinations.
- 181 (20) "Church" means a building:
182 (a) set apart for worship;
183 (b) in which religious services are held;
184 (c) with which clergy is associated; and
185 (d) that is tax exempt under the laws of this state.
- 186 (21) "Commission" means the Alcoholic Beverage Services Commission created in Section
187 32B-2-201.
- 188 (22) "Commissioner" means a member of the commission.
- 189 (23) "Community location" means:
190 (a) a public or private school as defined in Subsection 32B-1-102(115);
191 (b) a church;
192 (c) a public library;
193 (d) a public playground; or
194 (e) a public park.
- 195 (24) "Community location governing authority" means:
196 (a) the governing body of the community location; or
197 (b) if the commission does not know who is the governing body of a community
198 location, a person who appears to the commission to have been given on behalf of the
199 community location the authority to prohibit an activity at the community location.
- 200 (25) "Container" means a receptacle that contains an alcoholic product, including:

- 201 (a) a bottle;
- 202 (b) a vessel; or
- 203 (c) a similar item.
- 204 (26) "Controlled group of manufacturers" means as the commission defines by rule made in
205 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 206 (27) "Convention center" means a facility that is:
- 207 (a) in total at least 30,000 square feet; and
- 208 (b) otherwise defined as a "convention center" by the commission by rule.
- 209 (28)(a) "Counter" means a surface or structure in a dining area of a licensed premises
210 where seating is provided to a patron for service of food.
- 211 (b) "Counter" does not include a dispensing structure.
- 212 (29) "Crime involving moral turpitude" is as defined by the commission by rule.
- 213 (30) "Department" means the Department of Alcoholic Beverage Services created in
214 Section 32B-2-203.
- 215 (31) "Department compliance officer" means an individual who is:
- 216 (a) an auditor or inspector; and
- 217 (b) employed by the department.
- 218 (32) "Department sample" means liquor that is placed in the possession of the department
219 for testing, analysis, and sampling.
- 220 (33) "Dining club license" means a license issued in accordance with Chapter 5, Retail
221 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
222 commission as a dining club license.
- 223 (34) "Director," unless the context requires otherwise, means the director of the department.
- 224 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
- 225 (a) against a person subject to administrative action; and
- 226 (b) that is brought on the basis of a violation of this title.
- 227 (36)(a) Subject to Subsection (36)(b), "dispense" means:
- 228 (i) drawing an alcoholic product; and
- 229 (ii) using the alcoholic product at the location from which it was drawn to mix or
230 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 231 (b) The definition of "dispense" in this Subsection (36) applies only to:
- 232 (i) a full-service restaurant license;
- 233 (ii) a limited-service restaurant license;
- 234 (iii) a reception center license;

- 235 (iv) a beer-only restaurant license;
- 236 (v) a bar license;
- 237 (vi) an on-premise beer retailer;
- 238 (vii) an airport lounge license;
- 239 (viii) an on-premise banquet license; and
- 240 (ix) a hospitality amenity license.
- 241 (37) "Dispensing structure" means a surface or structure on a licensed premises:
- 242 (a) where an alcoholic product is dispensed; or
- 243 (b) from which an alcoholic product is served.
- 244 (38) "Distillery manufacturing license" means a license issued in accordance with Chapter
- 245 11, Part 4, Distillery Manufacturing License.
- 246 (39) "Distressed merchandise" means an alcoholic product in the possession of the
- 247 department that is saleable, but for some reason is unappealing to the public.
- 248 (40) "Domestic airport" means an airport that:
- 249 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 250 (b) receives scheduled commercial passenger aircraft service; and
- 251 (c) is not an international airport.
- 252 (41) "Equity license" means a license issued in accordance with Chapter 5, Retail License
- 253 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 254 commission as an equity license.
- 255 (42) "Event permit" means:
- 256 (a) a single event permit; or
- 257 (b) a temporary beer event permit.
- 258 (43) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 259 considered in determining the total number of retail licenses that the commission may
- 260 issue at any time.
- 261 (44)(a) "Flavored malt beverage" means a beverage:
- 262 (i) that contains at least .5% alcohol by volume;
- 263 (ii) for which the producer is required to file a formula for approval with the federal
- 264 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
- 265 the beverage is treated by processing, filtration, or another method of manufacture
- 266 that is not generally recognized as a traditional process in the production of a beer,
- 267 ale, porter, stout, lager, or malt liquor; and
- 268 (iii) for which the producer is required to file a formula for approval with the federal

- 269 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
270 the beverage includes an ingredient containing alcohol.
- 271 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
272 ethanol-based flavoring agent that contributes to the overall alcohol content of the
273 beverage.
- 274 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 275 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 276 (45) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License
277 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
278 commission as a fraternal license.
- 279 (46) "Full-service restaurant license" means a license issued in accordance with Chapter 5,
280 Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 281 (47)(a) "Furnish" means by any means to provide with, supply, or give an individual an
282 alcoholic product, by sale or otherwise.
- 283 (b) "Furnish" includes to:
- 284 (i) serve;
- 285 (ii) deliver; or
- 286 (iii) otherwise make available.
- 287 (48) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- 288 (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 289 (50) "Health care practitioner" means:
- 290 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 291 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 292 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 293 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
294 Act;
- 295 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
296 Nurse Practice Act;
- 297 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
298 Practice Act;
- 299 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
300 Therapy Practice Act;
- 301 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 302 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health

- 303 Professional Practice Act;
- 304 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 305 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
- 306 Act;
- 307 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
- 308 Hygienist Practice Act; and
- 309 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
- 310 Act.
- 311 (51)(a) "Heavy beer" means a product that:
- 312 (i)(A) contains more than 5% alcohol by volume;
- 313 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 314 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
- 315 ethanol-based flavoring agent that contributes more than 10% of the overall
- 316 alcohol content of the product; or
- 317 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 318 volume or 4% by weight, and has a label or packaging that is rejected under
- 319 Subsection 32B-1-606(3)(b); and
- 320 (ii) is obtained by fermentation, infusion, or decoction of:
- 321 (A) malt; or
- 322 (B) a malt substitute.
- 323 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
- 324 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
- 325 contributes to the overall alcohol content of the heavy beer.
- 326 (c) "Heavy beer" does not include:
- 327 (i) a flavored malt beverage;
- 328 (ii) a product that contains alcohol derived from:
- 329 (A) except as provided in Subsections (51)(a)(i)(B) and (51)(b), spirituous liquor;
- 330 or
- 331 (B) wine; or
- 332 (iii) a product that contains an additive masking or altering a physiological effect of
- 333 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
- 334 tetrahydrocannabinol.
- 335 (d) "Heavy beer" is considered liquor for the purposes of this title.
- 336 (52) "Hospitality amenity license" means a license issued in accordance with Chapter 5,

- 337 Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 338 (53)(a) "Hotel" means a commercial lodging establishment that:
- 339 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
- 340 (ii) is capable of hosting conventions, conferences, and food and beverage functions
- 341 under a banquet contract; and
- 342 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
- 343 complete meals;
- 344 (B) has at least 1,000 square feet of function space consisting of meeting or dining
- 345 rooms that can be reserved for a banquet and can accommodate at least 75
- 346 individuals; or
- 347 (C) if the establishment is located in a small or unincorporated locality, has an
- 348 appropriate amount of function space consisting of meeting or dining rooms
- 349 that can be reserved for private use under a banquet contract, as determined by
- 350 the commission.
- 351 (b) "Hotel" includes a commercial lodging establishment that:
- 352 (i) meets the requirements under Subsection (53)(a); and
- 353 (ii) has one or more privately owned dwelling units.
- 354 (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail License
- 355 Act, and Chapter 8b, Hotel License Act.
- 356 (55) "Identification card" means an identification card issued under Title 53, Chapter 3, Part
- 357 8, Identification Card Act.
- 358 (56) "Industry representative" means an individual who is compensated by salary,
- 359 commission, or other means for representing and selling an alcoholic product of a
- 360 manufacturer, supplier, or importer of liquor.
- 361 (57) "Industry representative sample" means liquor that is placed in the possession of the
- 362 department for testing, analysis, and sampling by a local industry representative on the
- 363 premises of the department to educate the local industry representative of the quality and
- 364 characteristics of the product.
- 365 (58)(a) "Interdicted person" means a person to whom the sale, offer for sale, or
- 366 furnishing of an alcoholic product is prohibited by:
- 367 ~~(a)~~ (i) law; or
- 368 ~~(b)~~ (ii) court order.
- 369 (b) "Interdicted person" includes a person who voluntarily obtains an interdicted person
- 370 license certificate under Section 53-3-236 or an interdicted person identification card

371 under Section 53-3-805.

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

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

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

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

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

379 (a) an alcoholic product;

380 (b) a controlled substance;

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

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

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

384 (a) a department compliance officer; or

385 (b) a nondepartment enforcement officer.

386 (62) "License" means:

387 (a) a retail license;

388 (b) a sublicense;

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

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

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

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

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

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

397 (64) "Limited-service restaurant license" means a license issued in accordance with Chapter
398 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

399 (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other
400 than a bus or taxicab:

401 (a) in which the driver and a passenger are separated by a partition, glass, or other
402 barrier;

403 (b) that is provided by a business entity to one or more individuals at a fixed charge in
404 accordance with the business entity's tariff; and

405 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
406 travel to one or more specified destinations.

407 (66)(a)(i) "Liquor" means a liquid that:

408 (A) is:

409 (I) alcohol;

410 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;

411 (III) a combination of liquids a part of which is spirituous, vinous, or
412 fermented; or

413 (IV) other drink or drinkable liquid; and

414 (B)(I) contains at least .5% alcohol by volume; and

415 (II) is suitable to use for beverage purposes.

416 (ii) "Liquor" includes:

417 (A) heavy beer;

418 (B) wine; and

419 (C) a flavored malt beverage.

420 (b) "Liquor" does not include beer.

421 (67) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.

422 (68) "Liquor transport license" means a license issued in accordance with Chapter 17,
423 Liquor Transport License Act.

424 (69) "Liquor warehousing license" means a license that is issued:

425 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

426 (b) to a person, other than a licensed manufacturer, who engages in the importation for
427 storage, sale, or distribution of liquor regardless of amount.

428 (70) "Local authority" means:

429 (a) for premises that are located in an unincorporated area of a county, the governing
430 body of a county;

431 (b) for premises that are located in an incorporated city or town, the governing body of
432 the city or town; or

433 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
434 a project area plan adopted by the Military Installation Development Authority under
435 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
436 Installation Development Authority.

437 (71) "Lounge or bar area" is as defined by rule made by the commission.

438 (72) "Malt substitute" means:

- 439 (a) rice;
- 440 (b) grain;
- 441 (c) bran;
- 442 (d) glucose;
- 443 (e) sugar; or
- 444 (f) molasses.
- 445 (73) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
- 446 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 447 (74) "Member" means an individual who, after paying regular dues, has full privileges in an
- 448 equity licensee or fraternal licensee.
- 449 (75)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or
- 450 homeport facility for a ship:
- 451 (i)(A) under the control of the United States Department of Defense; or
- 452 (B) of the National Guard;
- 453 (ii) that is located within the state; and
- 454 (iii) including a leased facility.
- 455 (b) "Military installation" does not include a facility used primarily for:
- 456 (i) civil works;
- 457 (ii) a rivers and harbors project; or
- 458 (iii) a flood control project.
- 459 (76) "Minibar" means an area of a hotel guest room where one or more alcoholic products
- 460 are kept and offered for self-service sale or consumption.
- 461 (77) "Minor" means an individual under 21 years old.
- 462 (78) "Nondepartment enforcement agency" means an agency that:
- 463 (a)(i) is a state agency other than the department; or
- 464 (ii) is an agency of a county, city, or town; and
- 465 (b) has a responsibility to enforce one or more provisions of this title.
- 466 (79) "Nondepartment enforcement officer" means an individual who is:
- 467 (a) a peace officer, examiner, or investigator; and
- 468 (b) employed by a nondepartment enforcement agency.
- 469 (80)(a) "Off-premise beer retailer" means a beer retailer who is:
- 470 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- 471 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
- 472 premises.

- 473 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 474 (81) "Off-premise beer retailer state license" means a state license issued in accordance
475 with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 476 (82) "On-premise banquet license" means a license issued in accordance with Chapter 5,
477 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 478 (83) "On-premise beer retailer" means a beer retailer who is:
- 479 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
480 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
481 License; and
- 482 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
483 premises:
- 484 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
485 premises; and
- 486 (ii) on and after March 1, 2012, operating:
- 487 (A) as a tavern; or
- 488 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 489 (84) "Opaque" means impenetrable to sight.
- 490 (85) "Package agency" means a retail liquor location operated:
- 491 (a) under an agreement with the department; and
- 492 (b) by a person:
- 493 (i) other than the state; and
- 494 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
495 Package Agency, to sell packaged liquor for consumption off the premises of the
496 package agency.
- 497 (86) "Package agent" means a person who holds a package agency.
- 498 (87) "Patron" means an individual to whom food, beverages, or services are sold, offered
499 for sale, or furnished, or who consumes an alcoholic product including:
- 500 (a) a customer;
- 501 (b) a member;
- 502 (c) a guest;
- 503 (d) an attendee of a banquet or event;
- 504 (e) an individual who receives room service;
- 505 (f) a resident of a resort; or
- 506 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity

- 507 license.
- 508 (88)(a) "Performing arts facility" means a multi-use performance space that:
- 509 (i) is primarily used to present various types of performing arts, including dance,
- 510 music, and theater;
- 511 (ii) contains over 2,500 seats;
- 512 (iii) is owned and operated by a governmental entity; and
- 513 (iv) is located in a city of the first class.
- 514 (b) "Performing arts facility" does not include a space that is used to present sporting
- 515 events or sporting competitions.
- 516 (89) "Permittee" means a person issued a permit under:
- 517 (a) Chapter 9, Event Permit Act; or
- 518 (b) Chapter 10, Special Use Permit Act.
- 519 (90) "Person subject to administrative action" means:
- 520 (a) a licensee;
- 521 (b) a permittee;
- 522 (c) a manufacturer;
- 523 (d) a supplier;
- 524 (e) an importer;
- 525 (f) one of the following holding a certificate of approval:
- 526 (i) an out-of-state brewer;
- 527 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 528 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 529 (g) staff of:
- 530 (i) a person listed in Subsections (90)(a) through (f); or
- 531 (ii) a package agent.
- 532 (91) "Premises" means a building, enclosure, or room used in connection with the storage,
- 533 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 534 unless otherwise defined in this title or rules made by the commission.
- 535 (92) "Prescription" means an order issued by a health care practitioner when:
- 536 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 537 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 538 (b) the order is made in the course of that health care practitioner's professional practice;
- 539 and
- 540 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

- 541 (93)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 542 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 543 (94) "Principal license" means:
- 544 (a) a resort license;
- 545 (b) a hotel license; or
- 546 (c) an arena license.
- 547 (95)(a) "Private event" means a specific social, business, or recreational event:
- 548 (i) for which an entire room, area, or hall is leased or rented in advance by an
- 549 identified group; and
- 550 (ii) that is limited in attendance to people who are specifically designated and their
- 551 guests.
- 552 (b) "Private event" does not include an event to which the general public is invited,
- 553 whether for an admission fee or not.
- 554 (96) "Privately sponsored event" means a specific social, business, or recreational event:
- 555 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 556 (b) to which entry is restricted by an admission fee.
- 557 (97)(a) "Proof of age" means:
- 558 (i) an identification card;
- 559 (ii) an identification that:
- 560 (A) is substantially similar to an identification card;
- 561 (B) is issued in accordance with the laws of a state other than Utah in which the
- 562 identification is issued;
- 563 (C) includes date of birth; and
- 564 (D) has a picture affixed;
- 565 (iii) a valid driver license certificate that:
- 566 (A) includes date of birth;
- 567 (B) has a picture affixed; and
- 568 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in
- 569 accordance with the laws of the state in which it is issued, or in accordance
- 570 with federal law by the United States Department of State;
- 571 (iv) a military identification card that:
- 572 (A) includes date of birth; and
- 573 (B) has a picture affixed; or
- 574 (v) a valid passport.

- 575 (b) "Proof of age" does not include a driving privilege card issued in accordance with
576 Section 53-3-207.
- 577 (98) "Provisions applicable to a sublicense" means:
- 578 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
579 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 580 (b) for a limited-service restaurant sublicense, the provisions applicable to a
581 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
582 License;
- 583 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
584 license under Chapter 6, Part 4, Bar Establishment License;
- 585 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
586 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 587 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
588 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 589 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
590 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 591 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
592 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 593 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
594 Part 2, Resort Spa Sublicense.
- 595 (99)(a) "Public building" means a building or permanent structure that is:
- 596 (i) owned or leased by:
- 597 (A) the state; or
- 598 (B) a local government entity; and
- 599 (ii) used for:
- 600 (A) public education;
- 601 (B) transacting public business; or
- 602 (C) regularly conducting government activities.
- 603 (b) "Public building" does not include a building owned by the state or a local
604 government entity when the building is used by a person, in whole or in part, for a
605 proprietary function.
- 606 (100) "Public conveyance" means a conveyance that the public or a portion of the public
607 has access to and a right to use for transportation, including an airline, railroad, bus,
608 boat, or other public conveyance.

- 609 (101) "Reception center" means a business that:
- 610 (a) operates facilities that are at least 5,000 square feet; and
- 611 (b) has as its primary purpose the leasing of the facilities described in Subsection
- 612 (101)(a) to a third party for the third party's event.
- 613 (102) "Reception center license" means a license issued in accordance with Chapter 5,
- 614 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 615 (103)(a) "Record" means information that is:
- 616 (i) inscribed on a tangible medium; or
- 617 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 618 (b) "Record" includes:
- 619 (i) a book;
- 620 (ii) a book of account;
- 621 (iii) a paper;
- 622 (iv) a contract;
- 623 (v) an agreement;
- 624 (vi) a document; or
- 625 (vii) a recording in any medium.
- 626 (104) "Residence" means a person's principal place of abode within Utah.
- 627 (105) "Resident," in relation to a resort, means the same as that term is defined in Section
- 628 32B-8-102.
- 629 (106) "Resort" means the same as that term is defined in Section 32B-8-102.
- 630 (107) "Resort facility" is as defined by the commission by rule.
- 631 (108) "Resort license" means a license issued in accordance with Chapter 5, Retail License
- 632 Act, and Chapter 8, Resort License Act.
- 633 (109) "Responsible alcohol service plan" means a written set of policies and procedures that
- 634 outlines measures to prevent employees from:
- 635 (a) over-serving alcoholic beverages to customers;
- 636 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
- 637 intoxicated; and
- 638 (c) serving alcoholic beverages to minors.
- 639 (110) "Restaurant" means a business location:
- 640 (a) at which a variety of foods are prepared;
- 641 (b) at which complete meals are served; and
- 642 (c) that is engaged primarily in serving meals.

- 643 (111) "Restaurant license" means one of the following licenses issued under this title:
- 644 (a) a full-service restaurant license;
- 645 (b) a limited-service restaurant license; or
- 646 (c) a beer-only restaurant license.
- 647 (112) "Restaurant venue" means a room within a restaurant that:
- 648 (a) is located on the licensed premises of a restaurant licensee;
- 649 (b) is separated from the area within the restaurant for a patron's consumption of food by
- 650 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
- 651 visible to a patron in the area within the restaurant for a patron's consumption of
- 652 food; and
- 653 (c)(i) has at least 1,000 square feet that:
- 654 (A) may be reserved for a banquet; and
- 655 (B) accommodates at least 75 individuals; or
- 656 (ii) if the restaurant is located in a small or unincorporated locality, has an
- 657 appropriate amount of space, as determined by the commission, that may be
- 658 reserved for a banquet.
- 659 (113) "Retail license" means one of the following licenses issued under this title:
- 660 (a) a full-service restaurant license;
- 661 (b) a master full-service restaurant license;
- 662 (c) a limited-service restaurant license;
- 663 (d) a master limited-service restaurant license;
- 664 (e) a bar establishment license;
- 665 (f) an airport lounge license;
- 666 (g) an on-premise banquet license;
- 667 (h) an on-premise beer license;
- 668 (i) a reception center license;
- 669 (j) a beer-only restaurant license;
- 670 (k) a hospitality amenity license;
- 671 (l) a resort license;
- 672 (m) a hotel license; or
- 673 (n) an arena license.
- 674 (114) "Room service" means furnishing an alcoholic product to a person in a guest room or
- 675 privately owned dwelling unit of a:
- 676 (a) hotel; or

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

- 711 (iii) an agent of the licensee; or
712 (iv) a different type of classification.
- 713 (120) "Shared seating area" means the licensed premises of two or more restaurant
714 licensees that the restaurant licensees share as an area for alcoholic beverage
715 consumption in accordance with Subsection 32B-5-207(3).
- 716 (121) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
717 Single Event Permit.
- 718 (122) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer,
719 heavy beer, and flavored malt beverage per year, as the department calculates by:
720 (a) if the brewer is part of a controlled group of manufacturers, including the combined
721 volume totals of production for all breweries that constitute the controlled group of
722 manufacturers; and
723 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
724 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
725 determines by rule made in accordance with Title 63G, Chapter 3, Utah
726 Administrative Rulemaking Act; and
727 (ii) does not sell for consumption as, or in, a beverage.
- 728 (123) "Small or unincorporated locality" means:
729 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
730 (b) a town, as classified under Section 10-2-301; or
731 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
732 under Section 17-50-501.
- 733 (124) "Spa sublicense" means a sublicense:
734 (a) to a resort license or hotel license; and
735 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
736 Sublicense.
- 737 (125) "Special use permit" means a permit issued in accordance with Chapter 10, Special
738 Use Permit Act.
- 739 (126)(a) "Spirituous liquor" means liquor that is distilled.
740 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
741 U.S.C. Sec. 211 and 27 C.F.R. [See] Secs. 5.11 through 5.23.
- 742 (127) "Sports center" is as defined by the commission by rule.
- 743 (128)(a) "Staff" means an individual who engages in activity governed by this title:
744 (i) on behalf of a business, including a package agent, licensee, permittee, or

- 745 certificate holder;
- 746 (ii) at the request of the business, including a package agent, licensee, permittee, or
747 certificate holder; or
- 748 (iii) under the authority of the business, including a package agent, licensee,
749 permittee, or certificate holder.
- 750 (b) "Staff" includes:
- 751 (i) an officer;
- 752 (ii) a director;
- 753 (iii) an employee;
- 754 (iv) personnel management;
- 755 (v) an agent of the licensee, including a managing agent;
- 756 (vi) an operator; or
- 757 (vii) a representative.
- 758 (129) "State of nudity" means:
- 759 (a) the appearance of:
- 760 (i) the nipple or areola of a female human breast;
- 761 (ii) a human genital;
- 762 (iii) a human pubic area; or
- 763 (iv) a human anus; or
- 764 (b) a state of dress that fails to opaquely cover:
- 765 (i) the nipple or areola of a female human breast;
- 766 (ii) a human genital;
- 767 (iii) a human pubic area; or
- 768 (iv) a human anus.
- 769 (130) "State of seminudity" means a state of dress in which opaque clothing covers no more
770 than:
- 771 (a) the nipple and areola of the female human breast in a shape and color other than the
772 natural shape and color of the nipple and areola; and
- 773 (b) the human genitals, pubic area, and anus:
- 774 (i) with no less than the following at its widest point:
- 775 (A) four inches coverage width in the front of the human body; and
- 776 (B) five inches coverage width in the back of the human body; and
- 777 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 778 (131)(a) "State store" means a facility for the sale of packaged liquor:

- 779 (i) located on premises owned or leased by the state; and
780 (ii) operated by a state employee.
- 781 (b) "State store" does not include:
782 (i) a package agency;
783 (ii) a licensee; or
784 (iii) a permittee.
- 785 (132)(a) "Storage area" means an area on licensed premises where the licensee stores an
786 alcoholic product.
- 787 (b) "Store" means to place or maintain in a location an alcoholic product.
- 788 (133) "Sublicense" means:
789 (a) any of the following licenses issued as a subordinate license to, and contingent on the
790 issuance of, a principal license:
791 (i) a full-service restaurant license;
792 (ii) a limited-service restaurant license;
793 (iii) a bar establishment license;
794 (iv) an on-premise banquet license;
795 (v) an on-premise beer retailer license;
796 (vi) a beer-only restaurant license; or
797 (vii) a hospitality amenity license; or
798 (b) a spa sublicense.
- 799 (134) "Supplier" means a person who sells an alcoholic product to the department.
- 800 (135) "Tavern" means an on-premise beer retailer who is:
801 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
802 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
803 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
804 On-Premise Beer Retailer License.
- 805 (136) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,
806 Part 4, Temporary Beer Event Permit.
- 807 (137) "Temporary domicile" means the principal place of abode within Utah of a person
808 who does not have a present intention to continue residency within Utah permanently or
809 indefinitely.
- 810 (138) "Translucent" means a substance that allows light to pass through, but does not allow
811 an object or person to be seen through the substance.
- 812 (139) "Unsaleable liquor merchandise" means a container that:

- 813 (a) is unsaleable because the container is:
- 814 (i) unlabeled;
- 815 (ii) leaky;
- 816 (iii) damaged;
- 817 (iv) difficult to open; or
- 818 (v) partly filled;
- 819 (b)(i) has faded labels or defective caps or corks;
- 820 (ii) has contents that are:
- 821 (A) cloudy;
- 822 (B) spoiled; or
- 823 (C) chemically determined to be impure; or
- 824 (iii) contains:
- 825 (A) sediment; or
- 826 (B) a foreign substance; or
- 827 (c) is otherwise considered by the department as unfit for sale.
- 828 (140)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural
- 829 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
- 830 another ingredient is added.
- 831 (b) "Wine" includes:
- 832 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
- 833 Sec. 4.10; and
- 834 (ii) hard cider.
- 835 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
- 836 this title.
- 837 (141) "Winery manufacturing license" means a license issued in accordance with Chapter
- 838 11, Part 3, Winery Manufacturing License.
- 839 Section 2. Section **32B-1-704** is amended to read:
- 840 **32B-1-704 . Department training programs.**
- 841 (1) [~~No later than January 1, 2018, the~~] The department shall develop the following training
- 842 programs that are provided either in-person or online:
- 843 (a) a training program for retail managers that addresses:
- 844 (i) the statutes and rules that govern alcohol sales and consumption in the state;
- 845 (ii) the requirements for operating as a retail licensee;
- 846 (iii) using compliance assistance from the department; and

- 847 (iv) any other topic the department determines beneficial to a retail manager; and
- 848 (b) a training program for an individual employed by a retail licensee or an off-premise
849 beer retailer who violates a provision of this title related to the sale, service, or
850 furnishing of an alcoholic beverage to an intoxicated individual or a minor, that
851 addresses:
- 852 (i) the statutes and rules that govern the most common types of violations under this
853 title;
- 854 (ii) how to avoid common violations; and
- 855 (iii) any other topic the department determines beneficial to the training program.
- 856 (2) ~~[No later than January 1, 2019, the]~~ The department shall develop a training program for
857 off-premise retail managers that is provided either in-person or online and addresses:
- 858 (a) the statutes and rules that govern sales at an off-premise beer retailer;
- 859 (b) the requirements for operating an off-premise beer retailer;
- 860 (c) using compliance assistance from the department; and
- 861 (d) any other topic the department determines beneficial to an off-premise retail manager.
- 862 (3) The department shall develop a training program for an authorized person, as that term
863 is defined in Section 32B-1-402, to properly verify whether an individual is an
864 interdicted person.
- 865 ~~[(3)]~~ (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
866 the provisions of this section, the department shall make rules to develop and implement
867 the training programs described in this section, including rules that establish:
- 868 (a) the requirements for each training program described in this section;
- 869 (b) measures that accurately identify each individual who takes and completes a training
870 program;
- 871 (c) measures that ensure an individual taking a training program is focused and actively
872 engaged in the training material throughout the training program;
- 873 (d) a record that certifies that an individual has completed a training program; and
- 874 (e) a fee for participation in a training program to cover the department's cost of
875 providing the training program.
- 876 ~~[(4)]~~ (5)(a) Each retail manager shall complete the training described in Subsection (1)(a)
877 no later than the later of:
- 878 (i) 30 days after the day on which the retail manager is hired; or
- 879 (ii) the day on which the retail licensee obtains a retail license.
- 880 (b) Each off-premise retail manager shall complete the training described in Subsection

- 881 (2) no later than the later of:
- 882 (i) 30 days after the day on which the off-premise retail manager is hired; or
- 883 (ii) 30 days after the day on which the off-premise beer retailer obtains an
- 884 off-premise beer retailer state license.
- 885 (c)(i) If the commission finds that a retail licensee violated a provision of this title
- 886 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
- 887 individual or a minor for a second time within 36 consecutive months after the day
- 888 on which the first violation was adjudicated, the violator, all retail staff, and each
- 889 retail manager shall complete the training program described in Subsection (1)(b).
- 890 (ii) If the commission finds that an off-premise beer retailer violated a provision of
- 891 this title related to the sale, service, or furnishing of an alcoholic beverage to an
- 892 intoxicated individual or a minor for a second time within 36 consecutive months
- 893 after the day on which the first violation was adjudicated, the violator and each
- 894 off-premise retail manager shall complete the training program described in
- 895 Subsection (1)(b).
- 896 ~~[(5)]~~ (6) If an individual fails to complete a required training program under this section:
- 897 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
- 898 beer retailer state license;
- 899 (b) a city, town, or county in which the retail licensee or off-premise beer retailer is
- 900 located may suspend, revoke, or not renew the retail licensee's or off-premise beer
- 901 retailer's business license; or
- 902 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
- 903 license.

904 Section 3. Section **32B-4-405** is amended to read:

905 **32B-4-405 . Unlawful sale, offer for sale, or furnishing to interdicted person.**

- 906 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
- 907 interdicted person.
- 908 (2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the
- 909 person is an interdicted person through examination of the person's identification card or
- 910 license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act.
- 911 ~~[(2)]~~ (3) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
- 912 product to an interdicted person:
- 913 (a) under an order of a health care practitioner who is authorized by law to write a
- 914 prescription; or

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

917 Section 4. Section **32B-5-306** is amended to read:

918 **32B-5-306 . Purchasing or selling alcoholic product.**

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

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

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

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

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

924 (b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify
925 whether the person is a minor or an interdicted person through examination of the
926 person's identification card or license certificate issued pursuant to Title 53, Chapter
927 3, Uniform Driver License Act.

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

930 (i) staff of the retail licensee; and

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

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

934 (i) staff of the retail licensee; and

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

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

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

941 (a) a retail licensee; or

942 (b) staff of a retail licensee.

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

947 Section 5. Section **41-6a-102** is amended to read:

948 **41-6a-102 . Definitions.**

949 As used in this chapter:

- 950 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots
951 or buildings in urban districts and not intended for through vehicular traffic.
- 952 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 953 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 954 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 955 (5) "Authorized emergency vehicle" includes:
- 956 (a) a fire department vehicle;
- 957 (b) a police vehicle;
- 958 (c) an ambulance; and
- 959 (d) other publicly or privately owned vehicles as designated by the commissioner of the
960 Department of Public Safety.
- 961 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 962 (7)(a) "Bicycle" means a wheeled vehicle:
- 963 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 964 (ii) with a seat or saddle designed for the use of the operator;
- 965 (iii) designed to be operated on the ground; and
- 966 (iv) whose wheels are not less than 14 inches in diameter.
- 967 (b) "Bicycle" includes an electric assisted bicycle.
- 968 (c) "Bicycle" does not include scooters and similar devices.
- 969 (8)(a) "Bus" means a motor vehicle:
- 970 (i) designed for carrying more than 15 passengers and used for the transportation of
971 persons; or
- 972 (ii) designed and used for the transportation of persons for compensation.
- 973 (b) "Bus" does not include a taxicab.
- 974 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
975 in design, located in the center of the intersection where traffic passes to the right of
976 the island.
- 977 (b) "Circular intersection" includes:
- 978 (i) roundabouts;
- 979 (ii) rotaries; and
- 980 (iii) traffic circles.
- 981 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
982 motor or electronics that:

- 983 (a) provides assistance only when the rider is pedaling; and
984 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 985 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
986 motor or electronics that:
987 (a) may be used exclusively to propel the bicycle; and
988 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
989 per hour.
- 990 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
991 motor or electronics that:
992 (a) provides assistance only when the rider is pedaling;
993 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
994 and
995 (c) is equipped with a speedometer.
- 996 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 997 (14) "Controlled-access highway" means a highway, street, or roadway:
998 (a) designed primarily for through traffic; and
999 (b) to or from which owners or occupants of abutting lands and other persons have no
1000 legal right of access, except at points as determined by the highway authority having
1001 jurisdiction over the highway, street, or roadway.
- 1002 (15) "Crosswalk" means:
1003 (a) that part of a roadway at an intersection included within the connections of the lateral
1004 lines of the sidewalks on opposite sides of the highway measured from:
1005 (i)(A) the curbs; or
1006 (B) in the absence of curbs, from the edges of the traversable roadway; and
1007 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
1008 included within the extension of the lateral lines of the existing sidewalk at right
1009 angles to the centerline; or
1010 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
1011 pedestrian crossing by lines or other markings on the surface.
- 1012 (16) "Department" means the Department of Public Safety.
- 1013 (17) "Direct supervision" means oversight at a distance within which:
1014 (a) visual contact is maintained; and
1015 (b) advice and assistance can be given and received.
- 1016 (18) "Divided highway" means a highway divided into two or more roadways by:

- 1017 (a) an unpaved intervening space;
- 1018 (b) a physical barrier; or
- 1019 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 1020 (19) "Echelon formation" means the operation of two or more snowplows arranged
- 1021 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 1022 clear snow from two or more lanes at once.
- 1023 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 1024 (i) has a power output of not more than 750 watts;
- 1025 (ii) has fully operable pedals;
- 1026 (iii) has permanently affixed cranks that were installed at the time of the original
- 1027 manufacture;
- 1028 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 1029 (v) is one of the following:
- 1030 (A) a class 1 electric assisted bicycle;
- 1031 (B) a class 2 electric assisted bicycle;
- 1032 (C) a class 3 electric assisted bicycle; or
- 1033 (D) a programmable electric assisted bicycle.
- 1034 (b) "Electric assisted bicycle" does not include:
- 1035 (i) a moped;
- 1036 (ii) a motor assisted scooter;
- 1037 (iii) a motorcycle;
- 1038 (iv) a motor-driven cycle; or
- 1039 (v) any other vehicle with less than four wheels that is designed, manufactured,
- 1040 intended, or advertised by the seller to have any of the following capabilities or
- 1041 features, or that is modifiable or is modified to have any of the following
- 1042 capabilities or features:
- 1043 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
- 1044 power alone;
- 1045 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 1046 (C) is equipped with foot pegs for the operator at the time of manufacture, or
- 1047 requires installation of a pedal kit to have operable pedals; or
- 1048 (D) if equipped with multiple operating modes and a throttle, has one or more
- 1049 modes that exceed 20 miles per hour on motor power alone.
- 1050 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:

- 1051 (i) two nontandem wheels in contact with the ground;
- 1052 (ii) a system capable of steering and stopping the unit under typical operating
- 1053 conditions;
- 1054 (iii) an electric propulsion system with average power of one horsepower or 750
- 1055 watts;
- 1056 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 1057 (v) a deck design for a person to stand while operating the device.
- 1058 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 1059 (22) "Explosives" means a chemical compound or mechanical mixture commonly used or
- 1060 intended for the purpose of producing an explosion and that contains any oxidizing and
- 1061 combustive units or other ingredients in proportions, quantities, or packing so that an
- 1062 ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 1063 compound or mixture may cause a sudden generation of highly heated gases, and the
- 1064 resultant gaseous pressures are capable of producing destructive effects on contiguous
- 1065 objects or of causing death or serious bodily injury.
- 1066 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
- 1067 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 1068 (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
- 1069 determined by a Tagliabue or equivalent closed-cup test device.
- 1070 (25) "Freeway" means a controlled-access highway that is part of the interstate system as
- 1071 defined in Section 72-1-102.
- 1072 (26)(a) "Golf cart" means a device that:
- 1073 (i) is designed for transportation by players on a golf course;
- 1074 (ii) has not less than three wheels in contact with the ground;
- 1075 (iii) has an unladen weight of less than 1,800 pounds;
- 1076 (iv) is designed to operate at low speeds; and
- 1077 (v) is designed to carry not more than six persons including the driver.
- 1078 (b) "Golf cart" does not include:
- 1079 (i) a low-speed vehicle or an off-highway vehicle;
- 1080 (ii) a motorized wheelchair;
- 1081 (iii) an electric personal assistive mobility device;
- 1082 (iv) an electric assisted bicycle;
- 1083 (v) a motor assisted scooter;
- 1084 (vi) a personal delivery device, as defined in Section 41-6a-1119; or

- 1085 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1086 (27) "Gore area" means the area delineated by two solid white lines that is between a
1087 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
1088 including similar areas between merging or splitting highways.
- 1089 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any
1090 load on the vehicle.
- 1091 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 1092 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 1093 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
1094 highway or railroad tracks.
- 1095 (30) "Highway" means the entire width between property lines of every way or place of any
1096 nature when any part of it is open to the use of the public as a matter of right for
1097 vehicular travel.
- 1098 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 1099 (32) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 1100 [~~(32)~~] (33)(a) "Intersection" means the area embraced within the prolongation or
1101 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the
1102 roadways of two or more highways that join one another.
- 1103 (b) Where a highway includes two roadways 30 feet or more apart:
- 1104 (i) every crossing of each roadway of the divided highway by an intersecting
1105 highway is a separate intersection; and
- 1106 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
1107 every crossing of two roadways of the highways is a separate intersection.
- 1108 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 1109 [~~(33)~~] (34) "Island" means an area between traffic lanes or at an intersection for control of
1110 vehicle movements or for pedestrian refuge designated by:
- 1111 (a) pavement markings, which may include an area designated by two solid yellow lines
1112 surrounding the perimeter of the area;
- 1113 (b) channelizing devices;
- 1114 (c) curbs;
- 1115 (d) pavement edges; or
- 1116 (e) other devices.
- 1117 [~~(34)~~] (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the
1118 act of overtaking and passing another vehicle that is stopped in the same direction of

1119 travel in the same lane.

1120 [~~(35)~~] (36) "Law enforcement agency" means the same as that term is as defined in Section
1121 53-1-102.

1122 [~~(36)~~] (37) "Limited access highway" means a highway:

- 1123 (a) that is designated specifically for through traffic; and
1124 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
1125 persons have any right or easement, or have only a limited right or easement of
1126 access, light, air, or view.

1127 [~~(37)~~] (38) "Local highway authority" means the legislative, executive, or governing body of
1128 a county, municipal, or other local board or body having authority to enact laws relating
1129 to traffic under the constitution and laws of the state.

1130 [~~(38)~~] (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

- 1131 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
1132 (ii) has a capacity of not more than six passengers, including a conventional driver or
1133 fallback-ready user if on board the vehicle, as those terms are defined in Section
1134 41-26-102.1.

1135 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

1136 [~~(39)~~] (40) "Metal tire" means a tire, the surface of which in contact with the highway is
1137 wholly or partly of metal or other hard nonresilient material.

1138 [~~(40)~~] (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
1139 seat or saddle that is less than 24 inches from the ground as measured on a level
1140 surface with properly inflated tires.

1141 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

1142 (c) "Mini-motorcycle" does not include a motorcycle that is:

- 1143 (i) designed for off-highway use; and
1144 (ii) registered as an off-highway vehicle under Section 41-22-3.

1145 [~~(41)~~] (42) "Mobile home" means:

- 1146 (a) a trailer or semitrailer that is:
1147 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
1148 place either permanently or temporarily; and
1149 (ii) equipped for use as a conveyance on streets and highways; or
1150 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
1151 for use as a mobile home, as defined in Subsection [~~(41)~~](a) (42)(a), but that is instead
1152 used permanently or temporarily for:

- 1153 (i) the advertising, sale, display, or promotion of merchandise or services; or
1154 (ii) any other commercial purpose except the transportation of property for hire or the
1155 transportation of property for distribution by a private carrier.

1156 [(42)] (43) "Mobility disability" means the inability of a person to use one or more of the
1157 person's extremities or difficulty with motor skills, that may include limitations with
1158 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
1159 condition.

1160 [(43)] (44)(a) "Moped" means a motor-driven cycle having:

- 1161 (i) pedals to permit propulsion by human power; and
1162 (ii) a motor that:
1163 (A) produces not more than two brake horsepower; and
1164 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
1165 on level ground.

1166 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
1167 centimeters and the moped shall have a power drive system that functions directly or
1168 automatically without clutching or shifting by the operator after the drive system is
1169 engaged.

1170 (c) "Moped" does not include:

- 1171 (i) an electric assisted bicycle; or
1172 (ii) a motor assisted scooter.

1173 [(44)] (45)(a) "Motor assisted scooter" means a self-propelled device with:

- 1174 (i) at least two wheels in contact with the ground;
1175 (ii) a braking system capable of stopping the unit under typical operating conditions;
1176 (iii) an electric motor not exceeding 2,000 watts;
1177 (iv) either:
1178 (A) handlebars and a deck design for a person to stand while operating the device;
1179 or
1180 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
1181 operating the device;
1182 (v) a design for the ability to be propelled by human power alone; and
1183 (vi) a maximum speed of 20 miles per hour on a paved level surface.

1184 (b) "Motor assisted scooter" does not include:

- 1185 (i) an electric assisted bicycle; or
1186 (ii) a motor-driven cycle.

- 1187 ~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
1188 propelled by electric power obtained from overhead trolley wires, but not operated
1189 upon rails.
- 1190 (b) "Motor vehicle" does not include:
- 1191 (i) vehicles moved solely by human power;
 - 1192 (ii) motorized wheelchairs;
 - 1193 (iii) an electric personal assistive mobility device;
 - 1194 (iv) an electric assisted bicycle;
 - 1195 (v) a motor assisted scooter;
 - 1196 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
 - 1197 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1198 ~~[(46)]~~ (47) "Motorcycle" means:
- 1199 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
1200 and designed to travel with not more than three wheels in contact with the ground; or
 - 1201 (b) an auticycle.
- 1202 ~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
1203 having:
- 1204 (i) an engine with less than 150 cubic centimeters displacement; or
 - 1205 (ii) a motor that produces not more than five horsepower.
- 1206 (b) "Motor-driven cycle" does not include:
- 1207 (i) an electric personal assistive mobility device;
 - 1208 (ii) a motor assisted scooter; or
 - 1209 (iii) an electric assisted bicycle.
- 1210 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
1211 under Section 41-22-2.
- 1212 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
1213 41-22-2.
- 1214 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 1215 ~~[(51)]~~ (52) "Operator" means:
- 1216 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
 - 1217 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
1218 vehicle.
- 1219 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
1220 other device operated, alone or coupled with another device, on stationary rails.

- 1221 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
1222 occupied or not.
- 1223 (b) "Park" or "parking" does not include:
- 1224 (i) the standing of a vehicle temporarily for the purpose of and while actually
1225 engaged in loading or unloading property or passengers; or
- 1226 (ii) a motor vehicle with an engaged automated driving system that has achieved a
1227 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 1228 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
1229 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
1230 violations of traffic laws.
- 1231 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:
- 1232 (a) on foot; or
- 1233 (b) in a wheelchair.
- 1234 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
1235 pedestrians.
- 1236 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
1237 business trust, estate, trust, partnership, limited liability company, association, joint
1238 venture, governmental agency, public corporation, or any other legal or commercial
1239 entity.
- 1240 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:
- 1241 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
1242 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
1243 and
- 1244 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
1245 pipes, or structural members generally capable of sustaining themselves as beams
1246 between the supporting connections.
- 1247 ~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and
1248 used for vehicular travel by the owner and those having express or implied permission
1249 from the owner, but not by other persons.
- 1250 ~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with
1251 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
1252 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
1253 electric assisted bicycle fully conforms with the respective requirements of each class of
1254 electric assisted bicycle when operated in that mode.

- 1255 [(61)] (62) "Railroad" means a carrier of persons or property upon cars operated on
1256 stationary rails.
- 1257 [(62)] (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
1258 public body or official or by a railroad and intended to give notice of the presence of
1259 railroad tracks or the approach of a railroad train.
- 1260 [(63)] (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
1261 with or operated without cars, and operated upon rails.
- 1262 [(64)] (65) "Restored-modified vehicle" means the same as the term defined in Section
1263 41-1a-102.
- 1264 [(65)] (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
1265 lawful manner in preference to another vehicle or pedestrian approaching under
1266 circumstances of direction, speed, and proximity that give rise to danger of collision
1267 unless one grants precedence to the other.
- 1268 [(66)] (67)(a) "Roadway" means that portion of highway improved, designed, or
1269 ordinarily used for vehicular travel.
- 1270 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
1271 them are used by persons riding bicycles or other human-powered vehicles.
- 1272 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
1273 highway includes two or more separate roadways.
- 1274 [(67)] (68) "Safety zone" means the area or space officially set apart within a roadway for
1275 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
1276 signs as to be plainly visible at all times while set apart as a safety zone.
- 1277 [(68)] (69)(a) "School bus" means a motor vehicle that:
- 1278 (i) complies with the color and identification requirements of the most recent edition
1279 of "Minimum Standards for School Buses"; and
- 1280 (ii) is used to transport school children to or from school or school activities.
- 1281 (b) "School bus" does not include a vehicle operated by a common carrier in
1282 transportation of school children to or from school or school activities.
- 1283 [(69)] (70)(a) "Semitrailer" means a vehicle with or without motive power:
- 1284 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
1285 and
- 1286 (ii) constructed so that some part of its weight and that of its load rests on or is
1287 carried by another vehicle.
- 1288 (b) "Semitrailer" does not include a pole trailer.

- 1289 ~~[(70)]~~ (71) "Shoulder area" means:
- 1290 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
- 1291 edge line as established in the current approved "Manual on Uniform Traffic Control
- 1292 Devices"; or
- 1293 (b) that portion of the road contiguous to the roadway for accommodation of stopped
- 1294 vehicles, for emergency use, and for lateral support.
- 1295 ~~[(71)]~~ (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral
- 1296 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 1297 ~~[(72)]~~ (73)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
- 1298 that is designated for the use of a bicycle.
- 1299 (b) "Soft-surface trail" does not mean a trail:
- 1300 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
- 1301 federal law, regulation, or rule; or
- 1302 (ii) located in whole or in part on land granted to the state or a political subdivision
- 1303 subject to a conservation easement that prohibits the use of a motorized vehicle.
- 1304 ~~[(73)]~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not
- 1305 depend on compressed air for the support of the load.
- 1306 ~~[(74)]~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether
- 1307 occupied or not, for the purpose of and while actually engaged in receiving or
- 1308 discharging passengers.
- 1309 ~~[(75)]~~ (76) "Stop" when required means complete cessation from movement.
- 1310 ~~[(76)]~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a
- 1311 vehicle, whether occupied or not, except when:
- 1312 (a) necessary to avoid conflict with other traffic; or
- 1313 (b) in compliance with the directions of a peace officer or traffic-control device.
- 1314 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
- 1315 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
- 1316 the requirements of Section 41-6a-1509 to operate on highways in the state in
- 1317 accordance with Section 41-6a-1509.
- 1318 ~~[(78)]~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
- 1319 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
- 1320 operate on highways in the state in accordance with ~~[with-]~~Section 41-6a-1509.
- 1321 ~~[(79)]~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 1322 ~~[(80)]~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section

- 1323 72-9-102.
- 1324 [(81)] (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
1325 conveyances either singly or together while using any highway for the purpose of travel.
- 1326 [(82)] (83) "Traffic signal preemption device" means an instrument or mechanism designed,
1327 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 1328 [(83)] (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
1329 with this chapter placed or erected by a highway authority for the purpose of regulating,
1330 warning, or guiding traffic.
- 1331 [(84)] (85) "Traffic-control signal" means a device, whether manually, electrically, or
1332 mechanically operated, by which traffic is alternately directed to stop and permitted to
1333 proceed.
- 1334 [(85)] (86)(a) "Trailer" means a vehicle with or without motive power designed for
1335 carrying persons or property and for being drawn by a motor vehicle and constructed
1336 so that no part of its weight rests upon the towing vehicle.
- 1337 (b) "Trailer" does not include a pole trailer.
- 1338 [(86)] (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the
1339 transportation of property.
- 1340 [(87)] (88) "Truck tractor" means a motor vehicle:
- 1341 (a) designed and used primarily for drawing other vehicles; and
1342 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
1343 tractor.
- 1344 [(88)] (89) "Two-way left turn lane" means a lane:
- 1345 (a) provided for vehicle operators making left turns in either direction;
1346 (b) that is not used for passing, overtaking, or through travel; and
1347 (c) that has been indicated by a lane traffic-control device that may include lane
1348 markings.
- 1349 [(89)] (90) "Urban district" means the territory contiguous to and including any street, in
1350 which structures devoted to business, industry, or dwelling houses are situated at
1351 intervals of less than 100 feet, for a distance of a quarter of a mile or more.
- 1352 [(90)] (91) "Vehicle" means a device in, on, or by which a person or property is or may be
1353 transported or drawn on a highway, except a mobile carrier, as defined in Section
1354 41-6a-1120, or a device used exclusively on stationary rails or tracks.
- 1355 Section 6. Section **41-6a-505** is amended to read:
- 1356 **41-6a-505 . Sentencing requirements for driving under the influence of alcohol,**

1357 **drugs, or a combination of both violations.**

1358 (1) As part of any sentence for a first conviction of extreme DUI:

1359 (a) the court shall:

1360 (i)(A) impose a jail sentence of not less than five days; or

1361 (B) impose a jail sentence of not less than two days in addition to home
1362 confinement of not fewer than 30 consecutive days through the use of
1363 electronic monitoring that includes a substance abuse testing instrument in
1364 accordance with Section 41-6a-506;

1365 (ii) order the individual to participate in a screening;

1366 (iii) order the individual to participate in an assessment, if it is found appropriate by a
1367 screening under Subsection (1)(a)(ii);

1368 (iv) order the individual to participate in an educational series if the court does not
1369 order substance abuse treatment as described under Subsection (1)(b);

1370 (v) impose a fine of not less than \$700;

1371 (vi) order probation for the individual in accordance with Section 41-6a-507;

1372 (vii)(A) order the individual to pay the administrative impound fee described in
1373 Section 41-6a-1406; or

1374 (B) if the administrative impound fee was paid by a party described in Subsection
1375 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1376 sentenced to reimburse the party;

1377 (viii)(A) order the individual to pay the towing and storage fees described in
1378 Section 72-9-603; or

1379 (B) if the towing and storage fees were paid by a party described in Subsection
1380 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1381 sentenced to reimburse the party; ~~or~~ and

1382 (ix) unless the court determines and states on the record that an ignition interlock
1383 system is not necessary for the safety of the community and in the best interest of
1384 justice, order the installation of an ignition interlock system as described in
1385 Section 41-6a-518; and

1386 (b) the court may:

1387 (i) order the individual to obtain substance abuse treatment if the substance abuse
1388 treatment program determines that substance abuse treatment is appropriate;

1389 (ii) order the individual to participate in a 24-7 sobriety program as defined in
1390 Section 41-6a-515.5 if the individual is 21 years old or older;~~or~~

- 1391 (iii) order a combination of Subsections (1)(b)(i) and (ii)~~[-]~~ ; or
 1392 (iv) designate the individual as an interdicted person for a time period the court finds
 1393 appropriate, and require the individual to surrender the individual's driver license
 1394 or identification card.
- 1395 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
 1396 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
 1397 imposed under Subsection (1)(a).
- 1398 (b) If an individual described in Subsection (1) fails to successfully complete all of the
 1399 requirements of the 24-7 sobriety program, the court shall impose the suspended jail
 1400 sentence described in Subsection (2)(a).
- 1401 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
 1402 Subsection (1):
- 1403 (a) the court shall:
- 1404 (i)(A) impose a jail sentence of not less than two days; or
 1405 (B) require the individual to work in a compensatory-service work program for
 1406 not less than 48 hours;
- 1407 (ii) order the individual to participate in a screening;
- 1408 (iii) order the individual to participate in an assessment, if it is found appropriate by a
 1409 screening under Subsection (3)(a)(ii);
- 1410 (iv) order the individual to participate in an educational series if the court does not
 1411 order substance abuse treatment as described under Subsection (3)(b);
- 1412 (v) impose a fine of not less than \$700;
- 1413 (vi)(A) order the individual to pay the administrative impound fee described in
 1414 Section 41-6a-1406; or
 1415 (B) if the administrative impound fee was paid by a party described in Subsection
 1416 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1417 sentenced to reimburse the party; ~~[or]~~ and
- 1418 (vii)(A) order the individual to pay the towing and storage fees described in
 1419 Section 72-9-603; or
 1420 (B) if the towing and storage fees were paid by a party described in Subsection
 1421 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1422 sentenced to reimburse the party; and
- 1423 (b) the court may:
- 1424 (i) order the individual to obtain substance abuse treatment if the substance abuse

- 1425 treatment program determines that substance abuse treatment is appropriate;
- 1426 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 1427 (iii) order the individual to participate in a 24-7 sobriety program as defined in
- 1428 Section 41-6a-515.5 if the individual is 21 years old or older;[~~or~~]
- 1429 (iv) order a combination of Subsections (3)(b)(i) through (iii)[~~;~~] ; or
- 1430 (v) designate the individual as an interdicted person for a time period the court finds
- 1431 appropriate, and require the individual to surrender the individual's driver license
- 1432 or identification card.
- 1433 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
- 1434 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 1435 imposed under Subsection (3)(a).
- 1436 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
- 1437 the requirements of the 24-7 sobriety program, the court shall impose the suspended
- 1438 jail sentence described in Subsection (4)(a).
- 1439 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
- 1440 years of the current conviction under Section 41-6a-502 or the commission of the
- 1441 offense upon which the current conviction amounts to extreme DUI:
- 1442 (a) the court shall:
- 1443 (i)(A) impose a jail sentence of not less than 20 days;
- 1444 (B) impose a jail sentence of not less than 10 days in addition to home
- 1445 confinement of not fewer than 60 consecutive days through the use of
- 1446 electronic monitoring that includes a substance abuse testing instrument in
- 1447 accordance with Section 41-6a-506; or
- 1448 (C) impose a jail sentence of not less than 10 days in addition to ordering the
- 1449 individual to obtain substance abuse treatment, if the court finds that substance
- 1450 abuse treatment is more likely to reduce recidivism and is in the interests of
- 1451 public safety;
- 1452 (ii) order the individual to participate in a screening;
- 1453 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 1454 screening under Subsection (5)(a)(ii);
- 1455 (iv) order the individual to participate in an educational series if the court does not
- 1456 order substance abuse treatment as described under Subsection (5)(b);
- 1457 (v) impose a fine of not less than \$800;
- 1458 (vi) order probation for the individual in accordance with Section 41-6a-507;

- 1459 (vii) order the installation of an ignition interlock system as described in Section
 1460 41-6a-518;
- 1461 (viii)(A) order the individual to pay the administrative impound fee described in
 1462 Section 41-6a-1406; or
 1463 (B) if the administrative impound fee was paid by a party described in Subsection
 1464 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1465 sentenced to reimburse the party; [~~or~~] and
- 1466 (ix)(A) order the individual to pay the towing and storage fees described in
 1467 Section 72-9-603; or
 1468 (B) if the towing and storage fees were paid by a party described in Subsection
 1469 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1470 sentenced to reimburse the party; and
- 1471 (b) the court may:
- 1472 (i) order the individual to obtain substance abuse treatment if the substance abuse
 1473 treatment program determines that substance abuse treatment is appropriate;
- 1474 (ii) order the individual to participate in a 24-7 sobriety program as defined in
 1475 Section 41-6a-515.5 if the individual is 21 years old or older; [~~or~~]
- 1476 (iii) order a combination of Subsections (5)(b)(i) and (ii) [~~;~~] ; or
- 1477 (iv) designate the individual as an interdicted person for a time period the court finds
 1478 appropriate, and require the individual to surrender the individual's driver license
 1479 or identification card.
- 1480 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
 1481 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
 1482 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 1483 (i) five days of the jail sentence for a second offense; or
 1484 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 1485 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
 1486 the requirements of the 24-7 sobriety program, the court shall impose the suspended
 1487 jail sentence described in Subsection (6)(a).
- 1488 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
 1489 years of the current conviction under Section 41-6a-502 or the commission of the
 1490 offense upon which the current conviction is based and that does not qualify under
 1491 Subsection (5):
- 1492 (a) the court shall:

- 1493 (i)(A) impose a jail sentence of not less than 10 days; or
 1494 (B) impose a jail sentence of not less than 5 days in addition to home confinement
 1495 of not fewer than 30 consecutive days through the use of electronic monitoring
 1496 that includes a substance abuse testing instrument in accordance with Section
 1497 41-6a-506;
- 1498 (ii) order the individual to participate in a screening;
- 1499 (iii) order the individual to participate in an assessment, if it is found appropriate by a
 1500 screening under Subsection (7)(a)(ii);
- 1501 (iv) order the individual to participate in an educational series if the court does not
 1502 order substance abuse treatment as described under Subsection (7)(b);
- 1503 (v) impose a fine of not less than \$800;
- 1504 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 1505 (vii)(A) order the individual to pay the administrative impound fee described in
 1506 Section 41-6a-1406; or
 1507 (B) if the administrative impound fee was paid by a party described in Subsection
 1508 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1509 sentenced to reimburse the party; ~~or~~ and
- 1510 (viii)(A) order the individual to pay the towing and storage fees described in
 1511 Section 72-9-603; or
 1512 (B) if the towing and storage fees were paid by a party described in Subsection
 1513 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1514 sentenced to reimburse the party; and
- 1515 (b) the court may:
- 1516 (i) order the individual to obtain substance abuse treatment if the substance abuse
 1517 treatment program determines that substance abuse treatment is appropriate;
- 1518 (ii) order the individual to participate in a 24-7 sobriety program as defined in
 1519 Section 41-6a-515.5 if the individual is 21 years old or older;~~or~~
- 1520 (iii) order a combination of Subsections (7)(b)(i) and (ii)~~;~~ ; or
- 1521 (iv) designate the individual as an interdicted person for a time period the court finds
 1522 appropriate, and require the individual to surrender the individual's driver license
 1523 or identification card.
- 1524 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
 1525 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
 1526 imposed under Subsection (7)(a) after the individual has served a minimum of:

- 1527 (i) five days of the jail sentence for a second offense; or
1528 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 1529 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
1530 the requirements of the 24-7 sobriety program, the court shall impose the suspended
1531 jail sentence described in Subsection (8)(a).
- 1532 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
1533 sentence and places the defendant on probation for a conviction of extreme DUI, the
1534 court shall impose:
- 1535 (a) a fine of not less than \$1,500;
1536 (b) a jail sentence of not less than 120 days;
1537 (c) home confinement of not fewer than 120 consecutive days through the use of
1538 electronic monitoring that includes a substance abuse testing instrument in
1539 accordance with Section 41-6a-506; and
1540 (d) supervised probation.
- 1541 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 1542 (i) shall impose an order requiring the individual to obtain a screening and
1543 assessment for alcohol and substance abuse, and treatment as appropriate; and
1544 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
1545 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
1546 older.
- 1547 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
1548 of the requirements of the 24-7 sobriety program, the court shall impose the
1549 suspended prison sentence described in Subsection (9).
- 1550 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
1551 sentence and places the defendant on probation with a sentence not described in
1552 Subsection (9), the court shall impose:
- 1553 (a) a fine of not less than \$1,500;
1554 (b) a jail sentence of not less than 60 days;
1555 (c) home confinement of not fewer than 60 consecutive days through the use of
1556 electronic monitoring that includes a substance abuse testing instrument in
1557 accordance with Section 41-6a-506; and
1558 (d) supervised probation.
- 1559 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
1560 requirements of this section.

- 1561 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
 1562 (b) A court, with stipulation of both parties and approval from the judge, may convert a
 1563 jail sentence required in this section to electronic home confinement.
 1564 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
 1565 under this section to be served in multiple two-day increments at weekly intervals if
 1566 the court determines that separate jail increments are necessary to ensure the
 1567 defendant can serve the statutorily required jail term and maintain employment.
- 1568 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
 1569 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
 1570 court shall order the following, or describe on record why the order or orders are not
 1571 appropriate:
- 1572 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
 1573 (b) one or more of the following:
- 1574 (i) the installation of an ignition interlock system as a condition of probation for the
 1575 individual in accordance with Section 41-6a-518;
 1576 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
 1577 device or remote alcohol monitor as a condition of probation for the individual; or
 1578 (iii) the imposition of home confinement through the use of electronic monitoring in
 1579 accordance with Section 41-6a-506.

1580 Section 7. Section **53-3-102** is amended to read:

1581 **53-3-102 . Definitions.**

1582 As used in this chapter:

- 1583 (1) "Autocycle" means a motor vehicle that:
- 1584 (a) is designed to travel with three or fewer wheels in contact with the ground; and
 1585 (b) is equipped with:
- 1586 (i) a steering mechanism;
 1587 (ii) seat belts; and
 1588 (iii) seating that does not require the operator to straddle or sit astride the motor
 1589 vehicle.
- 1590 (2) "Cancellation" means the termination by the division of a license issued through error or
 1591 fraud or for which consent under Section 53-3-211 has been withdrawn.
- 1592 (3) "Class D license" means the class of license issued to drive motor vehicles not defined
 1593 as commercial motor vehicles or motorcycles under this chapter.
- 1594 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

- 1595 (a) issued under Section 53-3-408; or
1596 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
1597 contained in 49 C.F.R. Part 383.
- 1598 (5) "Commercial driver license" or "CDL" means a license:
1599 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,
1600 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
1601 Uniform Commercial Driver License Act, which authorizes the holder to drive a class
1602 of commercial motor vehicle; and
1603 (b) that was obtained by providing evidence of lawful presence in the United States with
1604 one of the document requirements described in Subsection 53-3-410(1)(i)(i).
- 1605 (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
1606 driving record that:
1607 (i) applies to a person who holds or is required to hold a commercial driver
1608 instruction permit or a CDL license; and
1609 (ii) contains the following:
1610 (A) information contained in the driver history, including convictions, pleas held
1611 in abeyance, disqualifications, and other licensing actions for violations of any
1612 state or local law relating to motor vehicle traffic control, committed in any
1613 type of vehicle;
1614 (B) driver self-certification status information under Section 53-3-410.1; and
1615 (C) information from medical certification record keeping in accordance with 49
1616 C.F.R. Sec. 383.73(o).
- 1617 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
1618 motor vehicle record described in Subsection [~~(30)~~] (33).
- 1619 (7)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor
1620 vehicles designed or used to transport passengers or property if the motor vehicle:
1621 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more
1622 pounds, or gross combination weight rating or gross combination weight of
1623 26,001 or more pounds or a lesser rating as determined by federal regulation;
1624 (ii) is designed to transport 16 or more passengers, including the driver; or
1625 (iii) is transporting hazardous materials and is required to be placarded in accordance
1626 with 49 C.F.R. Part 172, Subpart F.
- 1627 (b) The following vehicles are not considered a commercial motor vehicle for purposes
1628 of Part 4, Uniform Commercial Driver License Act:

- 1629 (i) equipment owned and operated by the United States Department of Defense when
1630 driven by any active duty military personnel and members of the reserves and
1631 national guard on active duty including personnel on full-time national guard duty,
1632 personnel on part-time training, and national guard military technicians and
1633 civilians who are required to wear military uniforms and are subject to the code of
1634 military justice;
- 1635 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
1636 machinery, or farm supplies to or from a farm within 150 miles of his farm but not
1637 in operation as a motor carrier for hire;
- 1638 (iii) firefighting and emergency vehicles;
- 1639 (iv) recreational vehicles that are not used in commerce and are driven solely as
1640 family or personal conveyances for recreational purposes; and
- 1641 (v) vehicles used to provide transportation network services, as defined in Section
1642 13-51-102.
- 1643 (8) "Conviction" means any of the following:
- 1644 (a) an unvacated adjudication of guilt or a determination that a person has violated or
1645 failed to comply with the law in a court of original jurisdiction or an administrative
1646 proceeding;
- 1647 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance
1648 in court;
- 1649 (c) a plea of guilty or nolo contendere accepted by the court;
- 1650 (d) the payment of a fine or court costs; or
- 1651 (e) violation of a condition of release without bail, regardless of whether the penalty is
1652 rebated, suspended, or probated.
- 1653 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
1654 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's
1655 Security, do not apply.
- 1656 (10) "Director" means the division director appointed under Section 53-3-103.
- 1657 (11) "Disqualification" means either:
- 1658 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of
1659 a person's privileges to drive a commercial motor vehicle;
- 1660 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
1661 that a person is no longer qualified to drive a commercial motor vehicle under 49
1662 C.F.R. Part 391; or

- 1663 (c) the loss of qualification that automatically follows conviction of an offense listed in
1664 49 C.F.R. Part 383.51.
- 1665 (12) "Division" means the Driver License Division of the department created in Section
1666 53-3-103.
- 1667 (13) "Downgrade" means to obtain a lower license class than what was originally issued
1668 during an existing license cycle.
- 1669 (14) "Drive" means:
- 1670 (a) to operate or be in physical control of a motor vehicle upon a highway; and
1671 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
1672 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any
1673 place within the state.
- 1674 (15)(a) "Driver" means an individual who drives, or is in actual physical control of a
1675 motor vehicle in any location open to the general public for purposes of vehicular
1676 traffic.
- 1677 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
1678 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act,
1679 or federal law.
- 1680 (16) "Driving privilege card" means the evidence of the privilege granted and issued under
1681 this chapter to drive a motor vehicle to a person whose privilege was obtained without
1682 providing evidence of lawful presence in the United States.
- 1683 (17) "Electronic license certificate" means the evidence, in an electronic format as
1684 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
1685 vehicle.
- 1686 (18) "Extension" means a renewal completed in a manner specified by the division.
- 1687 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
1688 implement for drawing plows, mowing machines, and other implements of husbandry.
- 1689 (20) "Highway" means the entire width between property lines of every way or place of any
1690 nature when any part of it is open to the use of the public, as a matter of right, for traffic.
- 1691 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 1692 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to a
1693 person for identification purposes.
- 1694 (23) "Indigent" means that a person's income falls below the federal poverty guideline
1695 issued annually by the United States Department of Health and Human Services in the
1696 Federal Register.

- 1697 (24) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 1698 (25) "Interdicted person identification card" means the same as that term is defined in
- 1699 Section 53-3-802.
- 1700 (26) "Interdicted person license certificate" means a license certificate issued to an
- 1701 interdicted person that:
- 1702 (a) bears the language "No Alcohol Sale"; and
- 1703 (b) contains other security features identifying the individual as being restricted from
- 1704 purchasing alcohol, including a prominent red stripe on the front of the license.
- 1705 [~~24~~] (27) "License" means the privilege to drive a motor vehicle.
- 1706 [~~25~~] (28)(a) "License certificate" means the evidence of the privilege issued under this
- 1707 chapter to drive a motor vehicle.
- 1708 (b) "License certificate" evidence includes:
- 1709 (i) a regular license certificate;
- 1710 (ii) a limited-term license certificate;
- 1711 (iii) a driving privilege card;
- 1712 (iv) a CDL license certificate;
- 1713 (v) a limited-term CDL license certificate;
- 1714 (vi) a temporary regular license certificate;
- 1715 (vii) a temporary limited-term license certificate;[~~and~~]
- 1716 (viii) an interdicted person license certificate; and
- 1717 [~~viii~~] (ix) an electronic license certificate created in Section 53-3-235.
- 1718 [~~26~~] (29) "Limited-term commercial driver license" or "limited-term CDL" means a
- 1719 license:
- 1720 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
- 1721 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with
- 1722 Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive
- 1723 a class of commercial motor vehicle; and
- 1724 (b) that was obtained by providing evidence of lawful presence in the United States with
- 1725 one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
- 1726 [~~27~~] (30) "Limited-term identification card" means an identification card issued under this
- 1727 chapter to a person whose card was obtained by providing evidence of lawful presence
- 1728 in the United States with one of the document requirements described in Subsection
- 1729 53-3-804(2)(i)(ii).
- 1730 [~~28~~] (31) "Limited-term license certificate" means the evidence of the privilege granted

1731 and issued under this chapter to drive a motor vehicle to a person whose privilege was
1732 obtained providing evidence of lawful presence in the United States with one of the
1733 document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

1734 ~~[(29)]~~ (32) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
1735 ~~[(30)]~~ (33) "Motor vehicle record" or "MVR" means a driving record under Subsection
1736 53-3-109(7)(a).

1737 ~~[(31)]~~ (34) "Motorboat" means the same as that term is defined in Section 73-18-2.
1738 ~~[(32)]~~ (35) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
1739 saddle for the use of the rider and designed to travel with not more than three wheels in
1740 contact with the ground.

1741 ~~[(33)]~~ (36) "Office of Recovery Services" means the Office of Recovery Services, created in
1742 Section 26B-9-103.

1743 ~~[(34)]~~ (37) "Operate" means the same as that term is defined in Section 41-1a-102.

1744 ~~[(35)]~~ (38)(a) "Owner" means a person other than a lien holder having an interest in the
1745 property or title to a vehicle.

1746 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a
1747 security interest in another person but excludes a lessee under a lease not intended as
1748 security.

1749 ~~[(36)]~~ (39) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,
1750 or other financial penalty imposed on an individual by a court or other government
1751 entity.

1752 ~~[(37)]~~ (40)(a) "Private passenger carrier" means any motor vehicle for hire that is:
1753 (i) designed to transport 15 or fewer passengers, including the driver; and
1754 (ii) operated to transport an employee of the person that hires the motor vehicle.

1755 (b) "Private passenger carrier" does not include:
1756 (i) a taxicab;
1757 (ii) a motor vehicle driven by a transportation network driver as defined in Section
1758 13-51-102;
1759 (iii) a motor vehicle driven for transportation network services as defined in Section
1760 13-51-102; and
1761 (iv) a motor vehicle driven for a transportation network company as defined in
1762 Section 13-51-102 and registered with the Division of Consumer Protection as
1763 described in Section 13-51-104.

1764 ~~[(38)]~~ (41) "Regular identification card" means an identification card issued under this

1765 chapter to a person whose card was obtained by providing evidence of lawful presence
1766 in the United States with one of the document requirements described in Subsection
1767 53-3-804(2)(i)(i).

1768 ~~[(39)]~~ (42) "Regular license certificate" means the evidence of the privilege issued under
1769 this chapter to drive a motor vehicle whose privilege was obtained by providing
1770 evidence of lawful presence in the United States with one of the document requirements
1771 described in Subsection 53-3-205(8)(a)(ii)(A).

1772 ~~[(40)]~~ (43) "Renewal" means to validate a license certificate so that it expires at a later date.

1773 ~~[(41)]~~ (44) "Reportable violation" means an offense required to be reported to the division
1774 as determined by the division and includes those offenses against which points are
1775 assessed under Section 53-3-221.

1776 ~~[(42)]~~ (45)(a) "Resident" means an individual who:

1777 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
1778 regardless of domicile, remains in this state for an aggregate period of six months
1779 or more during any calendar year;

1780 (ii) engages in a trade, profession, or occupation in this state, or who accepts
1781 employment in other than seasonal work in this state, and who does not commute
1782 into the state;

1783 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
1784 license certificate or motor vehicle registration; or

1785 (iv) declares himself a resident of this state to obtain privileges not ordinarily
1786 extended to nonresidents, including going to school, or placing children in school
1787 without paying nonresident tuition or fees.

1788 (b) "Resident" does not include any of the following:

1789 (i) a member of the military, temporarily stationed in this state;

1790 (ii) an out-of-state student, as classified by an institution of higher education,
1791 regardless of whether the student engages in any type of employment in this state;

1792 (iii) a person domiciled in another state or country, who is temporarily assigned in
1793 this state, assigned by or representing an employer, religious or private
1794 organization, or a governmental entity; or

1795 (iv) an immediate family member who resides with or a household member of a
1796 person listed in Subsections ~~[(42)(b)(i)]~~ (45)(b)(i) through (iii).

1797 ~~[(43)]~~ (46) "Revocation" means the termination by action of the division of a licensee's
1798 privilege to drive a motor vehicle.

- 1799 [(44)] (47)(a) "School bus" means a commercial motor vehicle used to transport
 1800 pre-primary, primary, or secondary school students to and from home and school, or
 1801 to and from school sponsored events.
- 1802 (b) "School bus" does not include a bus used as a common carrier as defined in Section
 1803 59-12-102.
- 1804 [(45)] (48) "Suspension" means the temporary withdrawal by action of the division of a
 1805 licensee's privilege to drive a motor vehicle.
- 1806 [(46)] (49) "Taxicab" means any class D motor vehicle transporting any number of
 1807 passengers for hire and that is subject to state or federal regulation as a taxi.
 1808 Section 8. Section **53-3-104** is amended to read:
 1809 **53-3-104 . Division duties.**
- 1810 The division shall:
- 1811 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make
 1812 rules:
- 1813 (a) for examining applicants for a license, as necessary for the safety and welfare of the
 1814 traveling public;
- 1815 (b) for acceptable documentation of an applicant's identity, Social Security number,
 1816 Utah resident status, Utah residence address, proof of legal presence, proof of
 1817 citizenship in the United States, honorable or general discharge from the United
 1818 States military, and other proof or documentation required under this chapter;
- 1819 (c) for acceptable documentation to verify that an individual is homeless as verified by
 1820 the Department of Workforce Services, for purposes of residency, address
 1821 verification, and obtaining a fee waiver;
- 1822 (d) regarding the restrictions to be imposed on an individual driving a motor vehicle
 1823 with a temporary learner permit or learner permit;
- 1824 (e) regarding the format and restrictions on an interdicted person license certificate and
 1825 an interdicted person identification card;
- 1826 [(e)] (f) for exemptions from licensing requirements as authorized in this chapter;
- 1827 [(f)] (g) establishing procedures for the storage and maintenance of applicant information
 1828 provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and
- 1829 [(g)] (h) to provide educational information to each applicant for a license, which
 1830 information shall be based on data provided by the Division of Air Quality, including:
 1831 (i) ways drivers can improve air quality; and
 1832 (ii) the harmful effects of vehicle emissions;

- 1833 (2) examine each applicant according to the class of license applied for;
1834 (3) license motor vehicle drivers;
1835 (4) file every application for a license received by the division and shall maintain indices
1836 containing:
1837 (a) all applications denied and the reason each was denied;
1838 (b) all applications granted; and
1839 (c) the name of every licensee whose license has been suspended, disqualified, or
1840 revoked by the division and the reasons for the action;
1841 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
1842 chapter;
1843 (6) file all accident reports and abstracts of court records of convictions received by the
1844 division under state law;
1845 (7) maintain a record of each licensee showing the licensee's convictions and the traffic
1846 accidents in which the licensee has been involved where a conviction has resulted;
1847 (8) consider the record of a licensee upon an application for renewal of a license and at
1848 other appropriate times;
1849 (9) search the license files, compile, and furnish a report on the driving record of any
1850 individual licensed in the state in accordance with Section 53-3-109;
1851 (10) develop and implement a record system as required by Section 41-6a-604;
1852 (11) in accordance with Section 53G-10-507, establish:
1853 (a) procedures and standards to certify teachers of driver education classes to administer
1854 knowledge and skills tests;
1855 (b) minimal standards for the tests; and
1856 (c) procedures to enable school districts to administer or process any tests for students to
1857 receive a class D operator's license;
1858 (12) in accordance with Section 53-3-510, establish:
1859 (a) procedures and standards to certify licensed instructors of commercial driver training
1860 school courses to administer the skills test;
1861 (b) minimal standards for the test; and
1862 (c) procedures to enable licensed commercial driver training schools to administer or
1863 process skills tests for students to receive a class D operator's license;
1864 (13) provide administrative support to the Driver License Medical Advisory Board created
1865 in Section 53-3-303;
1866 (14) upon request by the lieutenant governor, provide the lieutenant governor with a digital

- 1867 copy of the driver license or identification card signature of an individual who is an
 1868 applicant for voter registration under Section 20A-2-206;
- 1869 (15) in accordance with Section 53-3-407.1, establish:
- 1870 (a) procedures and standards to license a commercial driver license third party tester or
 1871 commercial driver license third party examiner to administer the commercial driver
 1872 license skills tests;
- 1873 (b) minimum standards for the commercial driver license skills test; and
- 1874 (c) procedures to enable a licensed commercial driver license third party tester or
 1875 commercial driver license third party examiner to administer a commercial driver
 1876 license skills test for an applicant to receive a commercial driver license;[~~and~~]
- 1877 (16) receive from the Department of Health and Human Services a result from a blood or
 1878 urine test of an individual arrested for driving under the influence and use the blood or
 1879 urine test result in an administrative hearing or agency review involving the individual
 1880 who is the subject of the blood or urine test as described in Section 53-3-111[-] ; and
- 1881 (17) as soon as practicable, ensure that a license and identification card includes the ability
 1882 to provide information about restrictions on the license or identification card through an
 1883 electronic scan.

1884 Section 9. Section **53-3-105** is amended to read:

1885 **53-3-105 . Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
 1886 **and identification cards.**

1887 Except as provided in Subsection (39), the following fees apply under this chapter:

- 1888 (1) An original class D license application under Section 53-3-205 is \$52.
- 1889 (2) An original provisional license application for a class D license under Section 53-3-205
 1890 is \$39.
- 1891 (3) An original limited term license application under Section 53-3-205 is \$32.
- 1892 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.
- 1893 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.
- 1894 (6) A learner permit application under Section 53-3-210.5 is \$19.
- 1895 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)
 1896 applies.
- 1897 (8) A renewal of a provisional license application for a class D license under Section
 1898 53-3-214 is \$52.
- 1899 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.
- 1900 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.

- 1901 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.
- 1902 (12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is
1903 \$27.
- 1904 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)
1905 applies.
- 1906 (14) An extension of a provisional license application for a class D license under Section
1907 53-3-214 is \$42.
- 1908 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.
- 1909 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.
- 1910 (17) An extension of a class D license for an individual 65 and older under Section 53-3-214
1911 is \$22.
- 1912 (18) An original or renewal application for a commercial class A, B, or C license or an
1913 original or renewal of a provisional commercial class A or B license under Part 4,
1914 Uniform Commercial Driver License Act, is \$52.
- 1915 (19) A commercial class A, B, or C license skills test is \$78.
- 1916 (20) Each original CDL endorsement for passengers, hazardous material, double or triple
1917 trailers, or tankers is \$9.
- 1918 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
1919 Driver License Act, is \$9.
- 1920 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License
1921 Act, is \$9.
- 1922 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
- 1923 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 1924 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 1925 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 1926 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.
- 1927 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
1928 combination of alcohol and any drug-related offense is \$45 in addition to the fee
1929 under Subsection (26)(a).
- 1930 (27)(a) An administrative fee for license reinstatement after an alcohol, drug, or
1931 combination of alcohol and any drug-related offense under Section 41-6a-520,
1932 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any
1933 drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.
- 1934 (b) This administrative fee is in addition to the fees under Subsection (26).

- 1935 (28)(a) An administrative fee for providing the driving record of a driver under Section
 1936 53-3-104 or 53-3-420 is \$8.
- 1937 (b) The division may not charge for a report furnished under Section 53-3-104 to a
 1938 municipal, county, state, or federal agency.
- 1939 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 1940 (30)(a) Except as provided under Subsections [~~(30)(b) and (c),~~] (30)(b) through (e), an
 1941 identification card application under Section 53-3-808 is \$23.
- 1942 (b) An identification card application under Section 53-3-808 for a person with a
 1943 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 1944 (c) A fee may not be charged for an identification card application if the individual
 1945 applying:
- 1946 (i)(A) has not been issued a Utah driver license;
 1947 (B) is indigent; and
 1948 (C) is at least 18 years old;
- 1949 (ii) submits written verification that the individual is homeless, as defined in Section
 1950 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child
 1951 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
 1952 (A) a homeless shelter, as defined in Section 35A-16-305;
 1953 (B) a permanent housing, permanent, supportive, or transitional facility, as defined
 1954 in Section 35A-5-302;
 1955 (C) the Department of Workforce Services; or
 1956 (D) a local educational agency liaison for homeless children and youth designated
 1957 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
- 1958 (iii) is under~~[the age of]~~ 26 years old and submits written verification that the
 1959 individual:
- 1960 (A) is in the custody of the Division of Child and Family Services; or
 1961 (B) was in the custody of the Division of Child and Family Services but is no
 1962 longer in the custody of the Division of Child and Family Services due to the
 1963 individual's age.
- 1964 (d) An interdicted person identification card under Section 53-3-808 is \$50.
- 1965 (e) A duplicate interdicted person identification card under Section 53-3-808 is \$30.
- 1966 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a
 1967 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 1968 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written

- 1969 verification that the individual is homeless, as defined in Section 26B-3-207, or a
 1970 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is
 1971 homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 1972 (i) a homeless shelter, as defined in Section 35A-16-305;
 - 1973 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
 1974 Section 35A-5-302;
 - 1975 (iii) the Department of Workforce Services;
 - 1976 (iv) a homeless service provider as verified by the Department of Workforce Services
 1977 as described in Section 26B-8-113; or
 - 1978 (v) a local educational agency liaison for homeless children and youth designated
 1979 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).
- 1980 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is
 1981 \$23.
- 1982 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written
 1983 verification that the individual is homeless, as defined in Section 26B-3-207, or a
 1984 person who is homeless, as defined in Section 35A-5-302, from:
- 1985 (i) a homeless shelter, as defined in Section 35A-16-305;
 - 1986 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
 1987 Section 35A-5-302;
 - 1988 (iii) the Department of Workforce Services; or
 - 1989 (iv) a homeless service provider as verified by the Department of Workforce Services
 1990 as described in Section 26B-8-113.
- 1991 (33) In addition to any license application fees collected under this chapter, the division
 1992 shall impose on individuals submitting fingerprints in accordance with Section
 1993 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for
 1994 the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
- 1995 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.
- 1996 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.
- 1997 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.
- 1998 (37) An original driving privilege card application under Section 53-3-207 is \$32.
- 1999 (38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.
- 2000 (39) A fee may not be charged for an original class D license application, original
 2001 provisional license application for a class D license, or a learner permit application if the
 2002 individual applying is:

- 2003 (a) under the~~[-age of]~~ 26 years old; and
 2004 (b) submits written verification that the individual:
 2005 (i) is in the custody of the Division of Child and Family Services; or
 2006 (ii) was in the custody of the Division of Child and Family Services but is no longer
 2007 in the custody of the Division of Child and Family Services due to the individual's
 2008 age.

2009 (40) An original class D interdicted person license application under Section 53-3-236 is
 2010 \$75.

2011 (41) A duplicate class D interdicted person license application under Section 53-3-236 is
 2012 \$30.

2013 Section 10. Section **53-3-236** is enacted to read:

2014 **53-3-236 . Interdicted person -- License notation.**

2015 (1)(a) If the division receives a notification from a court as provided in Section
 2016 41-6a-505 that an individual is an interdicted person, the division:

2017 (i)(A) may accept an application from the individual for a duplicate license that is
 2018 an interdicted person license certificate; and

2019 (B) if the individual submits an application and qualifies for a license certificate,
 2020 may provide an interdicted person license certificate; or

2021 (ii)(A) may accept an application from the individual for an original license that is
 2022 an interdicted person license certificate; and

2023 (B) if the individual submits an application and qualifies for a license certificate,
 2024 may provide an interdicted person license certificate.

2025 (b) The term of an interdicted person license certificate shall coincide with the term
 2026 ordered by the court.

2027 (c) Upon expiration of the term of an interdicted person license certificate, an individual
 2028 may apply for a duplicate license certificate without the interdiction restriction.

2029 (2)(a) An individual may voluntarily apply for a duplicate or original license that is an
 2030 interdicted person license certificate.

2031 (b) An individual that voluntarily applies for a duplicate or original interdicted person
 2032 license certificate may not apply for another duplicate or original license certificate
 2033 without the interdicted person restriction for at least 30 days after the application for
 2034 the interdicted person license certificate.

2035 (3) An individual may not hold an interdicted license certificate while also holding another
 2036 license certificate.

- 2037 (4) The division may charge a reasonable fee to an individual to process and provide an
 2038 interdicted person license certificate.
- 2039 (5) An individual who is designated as an interdicted person by a court is subject to the
 2040 duplicate license fee and other fees necessary to administer the interdicted person license
 2041 certificate.

2042 Section 11. Section **53-3-802** is amended to read:

2043 **53-3-802 . Definitions.**

2044 As used in this part:

- 2045 (1) "Adult" means a person 21 years [~~of age~~] old or older.
- 2046 (2) "Identification card" means a card for identification issued under this part.
- 2047 (3) "Interdicted person identification card" means an identification card issued under this
 2048 part that:
- 2049 (a) bears the language "No Alcohol Sale"; and
- 2050 (b) contains other security features identifying the individual as being restricted from
 2051 purchasing alcohol, including a prominent red stripe on the front of the identification
 2052 card.

2053 [~~(3)~~] (4) "Minor" means a person younger than 21 [~~years of age~~] old.

2054 Section 12. Section **53-3-805** is amended to read:

2055 **53-3-805 . Identification card -- Contents -- Specifications.**

- 2056 (1) As used in this section:
- 2057 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
- 2058 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.
- 2059 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.
- 2060 (d) "Invisible condition identification symbol" means the same as that term is defined in
 2061 Section 53-3-207.
- 2062 (2)(a) The division shall issue an identification card that bears:
- 2063 (i) the distinguishing number assigned to the individual by the division;
- 2064 (ii) the name, birth date, and Utah residence address of the individual;
- 2065 (iii) a brief description of the individual for the purpose of identification;
- 2066 (iv) a photograph of the individual;
- 2067 (v) a photograph or other facsimile of the individual's signature;
- 2068 (vi) an indication whether the individual intends to make an anatomical gift under
 2069 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and
- 2070 (vii) if the individual states that the individual is a veteran of the United States

2071 military on the application for an identification card in accordance with Section
2072 53-3-804 and provides verification that the individual received an honorable or
2073 general discharge from the United States Armed Forces, an indication that the
2074 individual is a United States military veteran for a regular identification card or a
2075 limited-term identification card issued on or after July 1, 2011.

2076 (b) An identification card issued by the division may not bear the individual's social
2077 security number or place of birth.

2078 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and
2079 alteration.

2080 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
2081 prescribed by the commissioner.

2082 (4) At the applicant's request, the card may include a statement that the applicant has a
2083 special medical problem or allergies to certain drugs, for the purpose of medical
2084 treatment.

2085 (5)(a) The division shall include or affix an invisible condition identification symbol on
2086 an individual's identification card if the individual or the individual's authorized
2087 guardian, on a form prescribed by the department:

2088 (i) requests the division to include the invisible condition identification symbol;

2089 (ii) provides written verification from a health care professional that the individual is
2090 an individual with an invisible condition; and

2091 (iii) submits a signed waiver of liability for the release of any medical information to:

2092 (A) the department;

2093 (B) any person who has access to the individual's medical information as recorded
2094 on the individual's driving record or the Utah Criminal Justice Information
2095 System under this chapter;

2096 (C) any other person who may view or receive notice of the individual's medical
2097 information by seeing the individual's identification card or the individual's
2098 information in the Utah Criminal Justice Information System;

2099 (D) a local law enforcement agency that receives a copy of the form described in
2100 this Subsection (5)(a) and enters the contents of the form into the local law
2101 enforcement agency's record management system or computer-aided dispatch
2102 system; and

2103 (E) a dispatcher who accesses the information regarding the individual's invisible
2104 condition through the use of a local law enforcement agency's record

- 2105 management system or computer-aided dispatch system.
- 2106 (b) As part of the form described in Subsection (5)(a), the department shall advise the
2107 individual or the individual's authorized guardian that by submitting the request and
2108 signed waiver, the individual or the individual's authorized guardian consents to the
2109 release of the individual's medical information to any person described in Subsection
2110 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
2111 information under state or federal law.
- 2112 (c) The division may not:
- 2113 (i) charge a fee to include the invisible condition identification symbol on the
2114 individual's identification card; or
- 2115 (ii) after including the invisible condition identification symbol on the individual's
2116 previously issued identification card, require the individual to provide subsequent
2117 written verification described in Subsection (5)(a)(ii) to include the invisible
2118 condition identification symbol on the individual's extended identification card.
- 2119 (d) The division shall confirm with the Division of Professional Licensing that the health
2120 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 2121 (e) The inclusion of an invisible condition identification symbol on an individual's
2122 identification card in accordance with Subsection (5)(a) does not confer any legal
2123 rights or privileges on the individual, including parking privileges for individuals
2124 with disabilities under Section 41-1a-414.
- 2125 (f) For each individual issued an identification card under this section that includes an
2126 invisible condition identification symbol, the division shall include in the division's
2127 database a brief description of the nature of the individual's invisible condition in the
2128 individual's record and provide the brief description to the Utah Criminal Justice
2129 Information System.
- 2130 (g) Except as provided in this section, the division may not release the information
2131 described in Subsection (5)(f).
- 2132 (h) Within 30 days after the day on which the division receives an individual's or the
2133 individual's authorized guardian's written request, the division shall:
- 2134 (i) remove from the individual's record in the division's database the invisible
2135 condition identification symbol and the brief description described in Subsection
2136 (5)(f); and
- 2137 (ii) provide the individual's updated record to the Utah Criminal Justice Information
2138 System.

- 2139 (6)(a)(i) If the division receives a notification from a court as provided in Section
2140 41-6a-505 that an individual is an interdicted person, the division:
- 2141 (A) may accept an application from the individual for a duplicate identification
2142 card that is an interdicted person identification card; and
- 2143 (B) if the individual submits an application and qualifies for an identification card,
2144 provide an interdicted person identification card.
- 2145 (ii) The term of an interdicted person identification card shall coincide with the term
2146 ordered by the court.
- 2147 (iii) Upon expiration of the term of an interdicted person identification card, an
2148 individual may apply for a duplicate identification card without the interdiction
2149 restriction.
- 2150 (b)(i) An individual may voluntarily apply for a duplicate identification card that is
2151 an interdicted person identification card.
- 2152 (ii) An individual that voluntarily applies for a duplicate interdicted person
2153 identification card may not apply for another duplicate identification card without
2154 the interdicted person restriction for at least 30 days after the application for the
2155 interdicted person identification card.
- 2156 (c) An individual may not hold an interdicted identification card while also holding
2157 another license certificate or identification card.
- 2158 (d) The division may charge a reasonable fee to an individual to process and provide an
2159 interdicted person identification card.
- 2160 (e) An individual who is designated as an interdicted person by a court is subject to the
2161 duplicate identification card fee and other fees necessary to administer the interdicted
2162 person identification card.
- 2163 [(6)] (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a)
2164 is a private record for purposes of Title 63G, Chapter 2, Government Records Access
2165 and Management Act.
- 2166 [(7)] (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be
2167 authenticated by the applicant in accordance with division rule.
- 2168 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
2169 Management Act, the division may, upon request, release to an organ procurement
2170 organization, as defined in Section 26B-8-301, the names and addresses of all
2171 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make
2172 an anatomical gift.

- 2173 (ii) An organ procurement organization may use released information only to:
- 2174 (A) obtain additional information for an anatomical gift registry; and
- 2175 (B) inform applicants of anatomical gift options, procedures, and benefits.
- 2176 ~~[(8)]~~ (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and
- 2177 Management Act, the division may release to the Department of Veterans and Military
- 2178 Affairs the names and addresses of all individuals who indicate their status as a veteran
- 2179 under Subsection 53-3-804(2)(l).
- 2180 ~~[(9)]~~ (10) The division and the division's employees are not liable, as a result of false or
- 2181 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or
- 2182 indirect:
- 2183 (a) loss;
- 2184 (b) detriment; or
- 2185 (c) injury.
- 2186 ~~[(10)]~~ (11)(a) The division may issue a temporary regular identification card to an
- 2187 individual while the individual obtains the required documentation to establish
- 2188 verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d),
- 2189 and (i)(i).
- 2190 (b) A temporary regular identification card issued under this Subsection ~~[(10)]~~ (11) shall
- 2191 be recognized and grant the individual the same privileges as a regular identification
- 2192 card.
- 2193 (c) A temporary regular identification card issued under this Subsection ~~[(10)]~~ (11) is
- 2194 invalid:
- 2195 (i) when the individual's regular identification card has been issued;
- 2196 (ii) when, for good cause, an applicant's application for a regular identification card
- 2197 has been refused; or
- 2198 (iii) upon expiration of the temporary regular identification card.
- 2199 (d) The division shall coordinate with the Department of Corrections in providing an
- 2200 inmate with a temporary regular identification card as described in Section 64-13-10.6.
- 2201 Section 13. Section **53-3-808** is amended to read:
- 2202 **53-3-808 . Fee required for identification card.**
- 2203 (1) The commissioner may charge and collect a fee only as provided by Section 53-3-105
- 2204 when an application for an identification card or an interdicted person identification card
- 2205 is submitted.
- 2206 (2)(a) Before accepting an application from an indigent person for an identification card

2207 without the payment of a fee, the division shall require that the indigent person sign a
2208 statement under penalty of perjury that the person is indigent.

2209 (b) The division may require an indigent person applying for an identification card
2210 without the payment of a fee to execute a release form allowing the division to
2211 inquire with the State Tax Commission whether the person has filed state income tax
2212 returns or has state income tax withholding suggesting that the person is not indigent.

2213 Section 14. **Effective Date.**

2214 This bill takes effect on May 7, 2025.