

Steve Eliason proposes the following substitute bill:

Interdicted Person Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

29 AMENDS:

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

31 **32B-1-704**, as last amended by Laws of Utah 2024, Chapter 438

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

33 **32B-5-306**, as last amended by Laws of Utah 2019, Chapter 403

34 **41-6a-102**, as last amended by Laws of Utah 2024, Chapter 236

35 **41-6a-505**, as last amended by Laws of Utah 2024, Chapters 134, 197

36 **41-6a-509**, as last amended by Laws of Utah 2024, Chapter 106

37 **53-3-102**, as last amended by Laws of Utah 2024, Chapter 517

38 **53-3-104**, as last amended by Laws of Utah 2024, Chapter 106

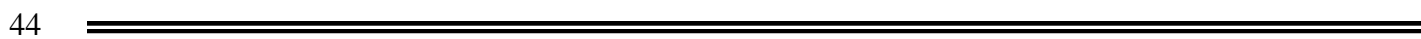
39 **53-3-105**, as last amended by Laws of Utah 2024, Chapter 527

40 **53-3-805**, as last amended by Laws of Utah 2023, Chapters 328, 414 and 456

41 **53-3-808**, as last amended by Laws of Utah 2009, Chapter 45

42 ENACTS:

43 **53-3-236**, Utah Code Annotated 1953



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

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

47 **32B-1-102 . Definitions.**

48 As used in this title:

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

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

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

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

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

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

55 (a) beer; or

56 (b) liquor.

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

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

59 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
60 process that uses liquid or combinations of liquids, whether drinkable or not, to
61 create alcohol in an amount equal to or greater than .5% of alcohol by volume.

62 (b) "Alcoholic product" includes an alcoholic beverage.

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

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

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

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

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

- 233 (b) The definition of "dispense" in this Subsection (36) applies only to:
- 234 (i) a full-service restaurant license;
- 235 (ii) a limited-service restaurant license;
- 236 (iii) a reception center license;
- 237 (iv) a beer-only restaurant license;
- 238 (v) a bar license;
- 239 (vi) an on-premise beer retailer;
- 240 (vii) an airport lounge license;
- 241 (viii) an on-premise banquet license; and
- 242 (ix) a hospitality amenity license.
- 243 (37) "Dispensing structure" means a surface or structure on a licensed premises:
- 244 (a) where an alcoholic product is dispensed; or
- 245 (b) from which an alcoholic product is served.
- 246 (38) "Distillery manufacturing license" means a license issued in accordance with Chapter
- 247 11, Part 4, Distillery Manufacturing License.
- 248 (39) "Distressed merchandise" means an alcoholic product in the possession of the
- 249 department that is saleable, but for some reason is unappealing to the public.
- 250 (40) "Domestic airport" means an airport that:
- 251 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 252 (b) receives scheduled commercial passenger aircraft service; and
- 253 (c) is not an international airport.
- 254 (41) "Equity license" means a license issued in accordance with Chapter 5, Retail License
- 255 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 256 commission as an equity license.
- 257 (42) "Event permit" means:
- 258 (a) a single event permit; or
- 259 (b) a temporary beer event permit.
- 260 (43) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 261 considered in determining the total number of retail licenses that the commission may
- 262 issue at any time.
- 263 (44)(a) "Flavored malt beverage" means a beverage:
- 264 (i) that contains at least .5% alcohol by volume;
- 265 (ii) for which the producer is required to file a formula for approval with the federal
- 266 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because

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

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

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

- 369 ~~[(a)]~~ (i) law; or
370 ~~[(b)]~~ (ii) court order.
- 371 (b) "Interdicted person" includes a person who voluntarily obtains a driver license
372 certificate under Section 53-3-236 or an identification card under Section 53-3-805
373 with an interdicted person identifier.
- 374 (59) "International airport" means an airport:
375 (a) with a United States Customs and Border Protection office on the premises of the
376 airport; and
377 (b) at which international flights may enter and depart.
- 378 (60) "Intoxicated" or "intoxication" means that
379 an individual exhibits plain and easily observable outward manifestations of behavior or
380 physical signs produced by or as a result of the use of:
381 (a) an alcoholic product;
382 (b) a controlled substance;
383 (c) a substance having the property of releasing toxic vapors; or
384 (d) a combination of products or substances described in Subsections (60)(a) through (c).
- 385 (61) "Investigator" means an individual who is:
386 (a) a department compliance officer; or
387 (b) a nondepartment enforcement officer.
- 388 (62) "License" means:
389 (a) a retail license;
390 (b) a sublicense;
391 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
392 License;
393 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
394 Act;
395 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
396 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
397 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 398 (63) "Licensee" means a person who holds a license.
- 399 (64) "Limited-service restaurant license" means a license issued in accordance with Chapter
400 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 401 (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other
402 than a bus or taxicab:

- 403 (a) in which the driver and a passenger are separated by a partition, glass, or other
404 barrier;
- 405 (b) that is provided by a business entity to one or more individuals at a fixed charge in
406 accordance with the business entity's tariff; and
- 407 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
408 travel to one or more specified destinations.
- 409 (66)(a)(i) "Liquor" means a liquid that:
- 410 (A) is:
- 411 (I) alcohol;
- 412 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 413 (III) a combination of liquids a part of which is spirituous, vinous, or
414 fermented; or
- 415 (IV) other drink or drinkable liquid; and
- 416 (B)(I) contains at least .5% alcohol by volume; and
417 (II) is suitable to use for beverage purposes.
- 418 (ii) "Liquor" includes:
- 419 (A) heavy beer;
- 420 (B) wine; and
421 (C) a flavored malt beverage.
- 422 (b) "Liquor" does not include beer.
- 423 (67) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 424 (68) "Liquor transport license" means a license issued in accordance with Chapter 17,
425 Liquor Transport License Act.
- 426 (69) "Liquor warehousing license" means a license that is issued:
- 427 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
428 (b) to a person, other than a licensed manufacturer, who engages in the importation for
429 storage, sale, or distribution of liquor regardless of amount.
- 430 (70) "Local authority" means:
- 431 (a) for premises that are located in an unincorporated area of a county, the governing
432 body of a county;
- 433 (b) for premises that are located in an incorporated city or town, the governing body of
434 the city or town; or
- 435 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
436 a project area plan adopted by the Military Installation Development Authority under

437 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
438 Installation Development Authority.

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

440 (72) "Malt substitute" means:

441 (a) rice;

442 (b) grain;

443 (c) bran;

444 (d) glucose;

445 (e) sugar; or

446 (f) molasses.

447 (73) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
448 otherwise make an alcoholic product for personal use or for sale or distribution to others.

449 (74) "Member" means an individual who, after paying regular dues, has full privileges in an
450 equity licensee or fraternal licensee.

451 (75)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or
452 homeport facility for a ship:

453 (i)(A) under the control of the United States Department of Defense; or

454 (B) of the National Guard;

455 (ii) that is located within the state; and

456 (iii) including a leased facility.

457 (b) "Military installation" does not include a facility used primarily for:

458 (i) civil works;

459 (ii) a rivers and harbors project; or

460 (iii) a flood control project.

461 (76) "Minibar" means an area of a hotel guest room where one or more alcoholic products
462 are kept and offered for self-service sale or consumption.

463 (77) "Minor" means an individual under 21 years old.

464 (78) "Nondepartment enforcement agency" means an agency that:

465 (a)(i) is a state agency other than the department; or

466 (ii) is an agency of a county, city, or town; and

467 (b) has a responsibility to enforce one or more provisions of this title.

468 (79) "Nondepartment enforcement officer" means an individual who is:

469 (a) a peace officer, examiner, or investigator; and

470 (b) employed by a nondepartment enforcement agency.

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

- 505 (d) an attendee of a banquet or event;
- 506 (e) an individual who receives room service;
- 507 (f) a resident of a resort; or
- 508 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
- 509 license.
- 510 (88)(a) "Performing arts facility" means a multi-use performance space that:
- 511 (i) is primarily used to present various types of performing arts, including dance,
- 512 music, and theater;
- 513 (ii) contains over 2,500 seats;
- 514 (iii) is owned and operated by a governmental entity; and
- 515 (iv) is located in a city of the first class.
- 516 (b) "Performing arts facility" does not include a space that is used to present sporting
- 517 events or sporting competitions.
- 518 (89) "Permittee" means a person issued a permit under:
- 519 (a) Chapter 9, Event Permit Act; or
- 520 (b) Chapter 10, Special Use Permit Act.
- 521 (90) "Person subject to administrative action" means:
- 522 (a) a licensee;
- 523 (b) a permittee;
- 524 (c) a manufacturer;
- 525 (d) a supplier;
- 526 (e) an importer;
- 527 (f) one of the following holding a certificate of approval:
- 528 (i) an out-of-state brewer;
- 529 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 530 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 531 (g) staff of:
- 532 (i) a person listed in Subsections (90)(a) through (f); or
- 533 (ii) a package agent.
- 534 (91) "Premises" means a building, enclosure, or room used in connection with the storage,
- 535 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 536 unless otherwise defined in this title or rules made by the commission.
- 537 (92) "Prescription" means an order issued by a health care practitioner when:
- 538 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,

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

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

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

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

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

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

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

- 777 (A) four inches coverage width in the front of the human body; and
778 (B) five inches coverage width in the back of the human body; and
779 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 780 (131)(a) "State store" means a facility for the sale of packaged liquor:
781 (i) located on premises owned or leased by the state; and
782 (ii) operated by a state employee.
- 783 (b) "State store" does not include:
784 (i) a package agency;
785 (ii) a licensee; or
786 (iii) a permittee.
- 787 (132)(a) "Storage area" means an area on licensed premises where the licensee stores an
788 alcoholic product.
- 789 (b) "Store" means to place or maintain in a location an alcoholic product.
- 790 (133) "Sublicense" means:
791 (a) any of the following licenses issued as a subordinate license to, and contingent on the
792 issuance of, a principal license:
793 (i) a full-service restaurant license;
794 (ii) a limited-service restaurant license;
795 (iii) a bar establishment license;
796 (iv) an on-premise banquet license;
797 (v) an on-premise beer retailer license;
798 (vi) a beer-only restaurant license; or
799 (vii) a hospitality amenity license; or
800 (b) a spa sublicense.
- 801 (134) "Supplier" means a person who sells an alcoholic product to the department.
- 802 (135) "Tavern" means an on-premise beer retailer who is:
803 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
804 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
805 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
806 On-Premise Beer Retailer License.
- 807 (136) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,
808 Part 4, Temporary Beer Event Permit.
- 809 (137) "Temporary domicile" means the principal place of abode within Utah of a person
810 who does not have a present intention to continue residency within Utah permanently or

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

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

879 no later than the later of:

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

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

882 (b) Each off-premise retail manager shall complete the training described in Subsection

883 (2) no later than the later of:

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

885 (ii) 30 days after the day on which the off-premise beer retailer obtains an
886 off-premise beer retailer state license.

887 (c)(i) If the commission finds that a retail licensee violated a provision of this title

888 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated

889 individual or a minor for a second time within 36 consecutive months after the day

890 on which the first violation was adjudicated, the violator, all retail staff, and each

891 retail manager shall complete the training program described in Subsection (1)(b).

892 (ii) If the commission finds that an off-premise beer retailer violated a provision of

893 this title related to the sale, service, or furnishing of an alcoholic beverage to an

894 intoxicated individual or a minor for a second time within 36 consecutive months

895 after the day on which the first violation was adjudicated, the violator and each

896 off-premise retail manager shall complete the training program described in

897 Subsection (1)(b).

898 [~~5~~] (6) If an individual fails to complete a required training program under this section:

899 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
900 beer retailer state license;

901 (b) a city, town, or county in which the retail licensee or off-premise beer retailer is
902 located may suspend, revoke, or not renew the retail licensee's or off-premise beer
903 retailer's business license; or

904 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
905 license.

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

907 **32B-4-405 . Unlawful sale, offer for sale, or furnishing to interdicted person.**

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

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

913 proof of age issued by another state or country.

914 ~~[(2)]~~ (3) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
915 product to an interdicted person:

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

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

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

921 **32B-5-306 . Purchasing or selling alcoholic product.**

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

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

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

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

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

927 (b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify
928 whether the person is a minor or an interdicted person through examination of the
929 person's identification card or license certificate issued pursuant to Title 53, Chapter
930 3, Uniform Driver License Act, or proof of age issued by another state or country.

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

933 (i) staff of the retail licensee; and

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

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

937 (i) staff of the retail licensee; and

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

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

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

944 (a) a retail licensee; or

945 (b) staff of a retail licensee.

946 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the

947 retail licensee may transfer the retail licensee's inventory of alcoholic product from that
948 premises to another premises licensed under this chapter that is owned by the same retail
949 licensee.

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

951 **41-6a-102 . Definitions.**

952 As used in this chapter:

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

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

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

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

958 (5) "Authorized emergency vehicle" includes:

959 (a) a fire department vehicle;

960 (b) a police vehicle;

961 (c) an ambulance; and

962 (d) other publicly or privately owned vehicles as designated by the commissioner of the
963 Department of Public Safety.

964 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.

965 (7)(a) "Bicycle" means a wheeled vehicle:

966 (i) propelled by human power by feet or hands acting upon pedals or cranks;

967 (ii) with a seat or saddle designed for the use of the operator;

968 (iii) designed to be operated on the ground; and

969 (iv) whose wheels are not less than 14 inches in diameter.

970 (b) "Bicycle" includes an electric assisted bicycle.

971 (c) "Bicycle" does not include scooters and similar devices.

972 (8)(a) "Bus" means a motor vehicle:

973 (i) designed for carrying more than 15 passengers and used for the transportation of
974 persons; or

975 (ii) designed and used for the transportation of persons for compensation.

976 (b) "Bus" does not include a taxicab.

977 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
978 in design, located in the center of the intersection where traffic passes to the right of
979 the island.

980 (b) "Circular intersection" includes:

- 981 (i) roundabouts;
- 982 (ii) rotaries; and
- 983 (iii) traffic circles.
- 984 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 985 motor or electronics that:
- 986 (a) provides assistance only when the rider is pedaling; and
- 987 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 988 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 989 motor or electronics that:
- 990 (a) may be used exclusively to propel the bicycle; and
- 991 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
- 992 per hour.
- 993 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 994 motor or electronics that:
- 995 (a) provides assistance only when the rider is pedaling;
- 996 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
- 997 and
- 998 (c) is equipped with a speedometer.
- 999 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 1000 (14) "Controlled-access highway" means a highway, street, or roadway:
- 1001 (a) designed primarily for through traffic; and
- 1002 (b) to or from which owners or occupants of abutting lands and other persons have no
- 1003 legal right of access, except at points as determined by the highway authority having
- 1004 jurisdiction over the highway, street, or roadway.
- 1005 (15) "Crosswalk" means:
- 1006 (a) that part of a roadway at an intersection included within the connections of the lateral
- 1007 lines of the sidewalks on opposite sides of the highway measured from:
- 1008 (i)(A) the curbs; or
- 1009 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 1010 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 1011 included within the extension of the lateral lines of the existing sidewalk at right
- 1012 angles to the centerline; or
- 1013 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 1014 pedestrian crossing by lines or other markings on the surface.

- 1015 (16) "Department" means the Department of Public Safety.
- 1016 (17) "Direct supervision" means oversight at a distance within which:
- 1017 (a) visual contact is maintained; and
- 1018 (b) advice and assistance can be given and received.
- 1019 (18) "Divided highway" means a highway divided into two or more roadways by:
- 1020 (a) an unpaved intervening space;
- 1021 (b) a physical barrier; or
- 1022 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 1023 (19) "Echelon formation" means the operation of two or more snowplows arranged
- 1024 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 1025 clear snow from two or more lanes at once.
- 1026 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 1027 (i) has a power output of not more than 750 watts;
- 1028 (ii) has fully operable pedals;
- 1029 (iii) has permanently affixed cranks that were installed at the time of the original
- 1030 manufacture;
- 1031 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 1032 (v) is one of the following:
- 1033 (A) a class 1 electric assisted bicycle;
- 1034 (B) a class 2 electric assisted bicycle;
- 1035 (C) a class 3 electric assisted bicycle; or
- 1036 (D) a programmable electric assisted bicycle.
- 1037 (b) "Electric assisted bicycle" does not include:
- 1038 (i) a moped;
- 1039 (ii) a motor assisted scooter;
- 1040 (iii) a motorcycle;
- 1041 (iv) a motor-driven cycle; or
- 1042 (v) any other vehicle with less than four wheels that is designed, manufactured,
- 1043 intended, or advertised by the seller to have any of the following capabilities or
- 1044 features, or that is modifiable or is modified to have any of the following
- 1045 capabilities or features:
- 1046 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
- 1047 power alone;
- 1048 (B) is equipped with a continuous rated motor power of 750 watts or greater;

- 1049 (C) is equipped with foot pegs for the operator at the time of manufacture, or
1050 requires installation of a pedal kit to have operable pedals; or
1051 (D) if equipped with multiple operating modes and a throttle, has one or more
1052 modes that exceed 20 miles per hour on motor power alone.
- 1053 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
1054 (i) two nontandem wheels in contact with the ground;
1055 (ii) a system capable of steering and stopping the unit under typical operating
1056 conditions;
1057 (iii) an electric propulsion system with average power of one horsepower or 750
1058 watts;
1059 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
1060 (v) a deck design for a person to stand while operating the device.
- 1061 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 1062 (22) "Explosives" means a chemical compound or mechanical mixture commonly used or
1063 intended for the purpose of producing an explosion and that contains any oxidizing and
1064 combustive units or other ingredients in proportions, quantities, or packing so that an
1065 ignition by fire, friction, concussion, percussion, or detonator of any part of the
1066 compound or mixture may cause a sudden generation of highly heated gases, and the
1067 resultant gaseous pressures are capable of producing destructive effects on contiguous
1068 objects or of causing death or serious bodily injury.
- 1069 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
1070 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 1071 (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
1072 determined by a Tagliabue or equivalent closed-cup test device.
- 1073 (25) "Freeway" means a controlled-access highway that is part of the interstate system as
1074 defined in Section 72-1-102.
- 1075 (26)(a) "Golf cart" means a device that:
1076 (i) is designed for transportation by players on a golf course;
1077 (ii) has not less than three wheels in contact with the ground;
1078 (iii) has an unladen weight of less than 1,800 pounds;
1079 (iv) is designed to operate at low speeds; and
1080 (v) is designed to carry not more than six persons including the driver.
- 1081 (b) "Golf cart" does not include:
1082 (i) a low-speed vehicle or an off-highway vehicle;

- 1083 (ii) a motorized wheelchair;
- 1084 (iii) an electric personal assistive mobility device;
- 1085 (iv) an electric assisted bicycle;
- 1086 (v) a motor assisted scooter;
- 1087 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 1088 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1089 (27) "Gore area" means the area delineated by two solid white lines that is between a
- 1090 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
- 1091 including similar areas between merging or splitting highways.
- 1092 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any
- 1093 load on the vehicle.
- 1094 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 1095 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 1096 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
- 1097 highway or railroad tracks.
- 1098 (30) "Highway" means the entire width between property lines of every way or place of any
- 1099 nature when any part of it is open to the use of the public as a matter of right for
- 1100 vehicular travel.
- 1101 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 1102 (32) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 1103 [~~32~~] (33)(a) "Intersection" means the area embraced within the prolongation or
- 1104 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the
- 1105 roadways of two or more highways that join one another.
- 1106 (b) Where a highway includes two roadways 30 feet or more apart:
- 1107 (i) every crossing of each roadway of the divided highway by an intersecting
- 1108 highway is a separate intersection; and
- 1109 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
- 1110 every crossing of two roadways of the highways is a separate intersection.
- 1111 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 1112 [~~33~~] (34) "Island" means an area between traffic lanes or at an intersection for control of
- 1113 vehicle movements or for pedestrian refuge designated by:
- 1114 (a) pavement markings, which may include an area designated by two solid yellow lines
- 1115 surrounding the perimeter of the area;
- 1116 (b) channelizing devices;

- 1117 (c) curbs;
- 1118 (d) pavement edges; or
- 1119 (e) other devices.
- 1120 ~~[(34)]~~ (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the
- 1121 act of overtaking and passing another vehicle that is stopped in the same direction of
- 1122 travel in the same lane.
- 1123 ~~[(35)]~~ (36) "Law enforcement agency" means the same as that term is as defined in Section
- 1124 53-1-102.
- 1125 ~~[(36)]~~ (37) "Limited access highway" means a highway:
- 1126 (a) that is designated specifically for through traffic; and
- 1127 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
- 1128 persons have any right or easement, or have only a limited right or easement of
- 1129 access, light, air, or view.
- 1130 ~~[(37)]~~ (38) "Local highway authority" means the legislative, executive, or governing body of
- 1131 a county, municipal, or other local board or body having authority to enact laws relating
- 1132 to traffic under the constitution and laws of the state.
- 1133 ~~[(38)]~~ (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:
- 1134 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 1135 (ii) has a capacity of not more than six passengers, including a conventional driver or
- 1136 fallback-ready user if on board the vehicle, as those terms are defined in Section
- 1137 41-26-102.1.
- 1138 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 1139 ~~[(39)]~~ (40) "Metal tire" means a tire, the surface of which in contact with the highway is
- 1140 wholly or partly of metal or other hard nonresilient material.
- 1141 ~~[(40)]~~ (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
- 1142 seat or saddle that is less than 24 inches from the ground as measured on a level
- 1143 surface with properly inflated tires.
- 1144 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 1145 (c) "Mini-motorcycle" does not include a motorcycle that is:
- 1146 (i) designed for off-highway use; and
- 1147 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 1148 ~~[(41)]~~ (42) "Mobile home" means:
- 1149 (a) a trailer or semitrailer that is:
- 1150 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping

- 1151 place either permanently or temporarily; and
- 1152 (ii) equipped for use as a conveyance on streets and highways; or
- 1153 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
- 1154 for use as a mobile home, as defined in Subsection [~~(41)~~(a)] (42)(a), but that is instead
- 1155 used permanently or temporarily for:
- 1156 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 1157 (ii) any other commercial purpose except the transportation of property for hire or the
- 1158 transportation of property for distribution by a private carrier.
- 1159 [~~(42)~~] (43) "Mobility disability" means the inability of a person to use one or more of the
- 1160 person's extremities or difficulty with motor skills, that may include limitations with
- 1161 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
- 1162 condition.
- 1163 [~~(43)~~] (44)(a) "Moped" means a motor-driven cycle having:
- 1164 (i) pedals to permit propulsion by human power; and
- 1165 (ii) a motor that:
- 1166 (A) produces not more than two brake horsepower; and
- 1167 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
- 1168 on level ground.
- 1169 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 1170 centimeters and the moped shall have a power drive system that functions directly or
- 1171 automatically without clutching or shifting by the operator after the drive system is
- 1172 engaged.
- 1173 (c) "Moped" does not include:
- 1174 (i) an electric assisted bicycle; or
- 1175 (ii) a motor assisted scooter.
- 1176 [~~(44)~~] (45)(a) "Motor assisted scooter" means a self-propelled device with:
- 1177 (i) at least two wheels in contact with the ground;
- 1178 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 1179 (iii) an electric motor not exceeding 2,000 watts;
- 1180 (iv) either:
- 1181 (A) handlebars and a deck design for a person to stand while operating the device;
- 1182 or
- 1183 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
- 1184 operating the device;

- 1185 (v) a design for the ability to be propelled by human power alone; and
1186 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 1187 (b) "Motor assisted scooter" does not include:
1188 (i) an electric assisted bicycle; or
1189 (ii) a motor-driven cycle.
- 1190 ~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
1191 propelled by electric power obtained from overhead trolley wires, but not operated
1192 upon rails.
- 1193 (b) "Motor vehicle" does not include:
1194 (i) vehicles moved solely by human power;
1195 (ii) motorized wheelchairs;
1196 (iii) an electric personal assistive mobility device;
1197 (iv) an electric assisted bicycle;
1198 (v) a motor assisted scooter;
1199 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
1200 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1201 ~~[(46)]~~ (47) "Motorcycle" means:
1202 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
1203 and designed to travel with not more than three wheels in contact with the ground; or
1204 (b) an autocycle.
- 1205 ~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
1206 having:
1207 (i) an engine with less than 150 cubic centimeters displacement; or
1208 (ii) a motor that produces not more than five horsepower.
- 1209 (b) "Motor-driven cycle" does not include:
1210 (i) an electric personal assistive mobility device;
1211 (ii) a motor assisted scooter; or
1212 (iii) an electric assisted bicycle.
- 1213 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
1214 under Section 41-22-2.
- 1215 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
1216 41-22-2.
- 1217 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 1218 ~~[(51)]~~ (52) "Operator" means:

- 1219 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
 1220 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
 1221 vehicle.
- 1222 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
 1223 other device operated, alone or coupled with another device, on stationary rails.
- 1224 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
 1225 occupied or not.
- 1226 (b) "Park" or "parking" does not include:
- 1227 (i) the standing of a vehicle temporarily for the purpose of and while actually
 1228 engaged in loading or unloading property or passengers; or
- 1229 (ii) a motor vehicle with an engaged automated driving system that has achieved a
 1230 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 1231 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
 1232 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
 1233 violations of traffic laws.
- 1234 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:
- 1235 (a) on foot; or
 1236 (b) in a wheelchair.
- 1237 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
 1238 pedestrians.
- 1239 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
 1240 business trust, estate, trust, partnership, limited liability company, association, joint
 1241 venture, governmental agency, public corporation, or any other legal or commercial
 1242 entity.
- 1243 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:
- 1244 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
 1245 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
 1246 and
- 1247 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
 1248 pipes, or structural members generally capable of sustaining themselves as beams
 1249 between the supporting connections.
- 1250 ~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and
 1251 used for vehicular travel by the owner and those having express or implied permission
 1252 from the owner, but not by other persons.

- 1253 ~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with
1254 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
1255 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
1256 electric assisted bicycle fully conforms with the respective requirements of each class of
1257 electric assisted bicycle when operated in that mode.
- 1258 ~~[(61)]~~ (62) "Railroad" means a carrier of persons or property upon cars operated on
1259 stationary rails.
- 1260 ~~[(62)]~~ (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
1261 public body or official or by a railroad and intended to give notice of the presence of
1262 railroad tracks or the approach of a railroad train.
- 1263 ~~[(63)]~~ (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
1264 with or operated without cars, and operated upon rails.
- 1265 ~~[(64)]~~ (65) "Restored-modified vehicle" means the same as the term defined in Section
1266 41-1a-102.
- 1267 ~~[(65)]~~ (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
1268 lawful manner in preference to another vehicle or pedestrian approaching under
1269 circumstances of direction, speed, and proximity that give rise to danger of collision
1270 unless one grants precedence to the other.
- 1271 ~~[(66)]~~ (67)(a) "Roadway" means that portion of highway improved, designed, or
1272 ordinarily used for vehicular travel.
- 1273 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
1274 them are used by persons riding bicycles or other human-powered vehicles.
- 1275 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
1276 highway includes two or more separate roadways.
- 1277 ~~[(67)]~~ (68) "Safety zone" means the area or space officially set apart within a roadway for
1278 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
1279 signs as to be plainly visible at all times while set apart as a safety zone.
- 1280 ~~[(68)]~~ (69)(a) "School bus" means a motor vehicle that:
- 1281 (i) complies with the color and identification requirements of the most recent edition
1282 of "Minimum Standards for School Buses"; and
- 1283 (ii) is used to transport school children to or from school or school activities.
- 1284 (b) "School bus" does not include a vehicle operated by a common carrier in
1285 transportation of school children to or from school or school activities.
- 1286 ~~[(69)]~~ (70)(a) "Semitrailer" means a vehicle with or without motive power:

- 1287 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
1288 and
- 1289 (ii) constructed so that some part of its weight and that of its load rests on or is
1290 carried by another vehicle.
- 1291 (b) "Semitrailer" does not include a pole trailer.
- 1292 ~~[(70)]~~ (71) "Shoulder area" means:
- 1293 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
1294 edge line as established in the current approved "Manual on Uniform Traffic Control
1295 Devices"; or
- 1296 (b) that portion of the road contiguous to the roadway for accommodation of stopped
1297 vehicles, for emergency use, and for lateral support.
- 1298 ~~[(71)]~~ (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral
1299 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 1300 ~~[(72)]~~ (73)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
1301 that is designated for the use of a bicycle.
- 1302 (b) "Soft-surface trail" does not mean a trail:
- 1303 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
1304 federal law, regulation, or rule; or
- 1305 (ii) located in whole or in part on land granted to the state or a political subdivision
1306 subject to a conservation easement that prohibits the use of a motorized vehicle.
- 1307 ~~[(73)]~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not
1308 depend on compressed air for the support of the load.
- 1309 ~~[(74)]~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether
1310 occupied or not, for the purpose of and while actually engaged in receiving or
1311 discharging passengers.
- 1312 ~~[(75)]~~ (76) "Stop" when required means complete cessation from movement.
- 1313 ~~[(76)]~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a
1314 vehicle, whether occupied or not, except when:
- 1315 (a) necessary to avoid conflict with other traffic; or
- 1316 (b) in compliance with the directions of a peace officer or traffic-control device.
- 1317 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
1318 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
1319 the requirements of Section 41-6a-1509 to operate on highways in the state in
1320 accordance with Section 41-6a-1509.

- 1321 [(78)] (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
1322 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
1323 operate on highways in the state in accordance with [~~with~~]Section 41-6a-1509.
- 1324 [(79)] (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
1325 [(80)] (81) "Tow truck motor carrier" means the same as that term is defined in Section
1326 72-9-102.
- 1327 [(81)] (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
1328 conveyances either singly or together while using any highway for the purpose of travel.
- 1329 [(82)] (83) "Traffic signal preemption device" means an instrument or mechanism designed,
1330 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 1331 [(83)] (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
1332 with this chapter placed or erected by a highway authority for the purpose of regulating,
1333 warning, or guiding traffic.
- 1334 [(84)] (85) "Traffic-control signal" means a device, whether manually, electrically, or
1335 mechanically operated, by which traffic is alternately directed to stop and permitted to
1336 proceed.
- 1337 [(85)] (86)(a) "Trailer" means a vehicle with or without motive power designed for
1338 carrying persons or property and for being drawn by a motor vehicle and constructed
1339 so that no part of its weight rests upon the towing vehicle.
- 1340 (b) "Trailer" does not include a pole trailer.
- 1341 [(86)] (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the
1342 transportation of property.
- 1343 [(87)] (88) "Truck tractor" means a motor vehicle:
1344 (a) designed and used primarily for drawing other vehicles; and
1345 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
1346 tractor.
- 1347 [(88)] (89) "Two-way left turn lane" means a lane:
1348 (a) provided for vehicle operators making left turns in either direction;
1349 (b) that is not used for passing, overtaking, or through travel; and
1350 (c) that has been indicated by a lane traffic-control device that may include lane
1351 markings.
- 1352 [(89)] (90) "Urban district" means the territory contiguous to and including any street, in
1353 which structures devoted to business, industry, or dwelling houses are situated at
1354 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

1355 [(90)] (91) "Vehicle" means a device in, on, or by which a person or property is or may be
 1356 transported or drawn on a highway, except a mobile carrier, as defined in Section
 1357 41-6a-1120, or a device used exclusively on stationary rails or tracks.

1358 Section 6. Section **41-6a-505** is amended to read:

1359 **41-6a-505 . Sentencing requirements for driving under the influence of alcohol,**
 1360 **drugs, or a combination of both violations.**

1361 (1) As part of any sentence for a first conviction of extreme DUI:

1362 (a) the court shall:

1363 (i)(A) impose a jail sentence of not less than five days; or

1364 (B) impose a jail sentence of not less than two days in addition to home
 1365 confinement of not fewer than 30 consecutive days through the use of
 1366 electronic monitoring that includes a substance abuse testing instrument in
 1367 accordance with Section 41-6a-506;

1368 (ii) order the individual to participate in a screening;

1369 (iii) order the individual to participate in an assessment, if it is found appropriate by a
 1370 screening under Subsection (1)(a)(ii);

1371 (iv) order the individual to participate in an educational series if the court does not
 1372 order substance abuse treatment as described under Subsection (1)(b);

1373 (v) impose a fine of not less than \$700;

1374 (vi) order probation for the individual in accordance with Section 41-6a-507;

1375 (vii)(A) order the individual to pay the administrative impound fee described in
 1376 Section 41-6a-1406; or

1377 (B) if the administrative impound fee was paid by a party described in Subsection
 1378 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1379 sentenced to reimburse the party;

1380 (viii)(A) order the individual to pay the towing and storage fees described in
 1381 Section 72-9-603; or

1382 (B) if the towing and storage fees were paid by a party described in Subsection
 1383 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1384 sentenced to reimburse the party; [or]

1385 (ix) unless the court determines and states on the record that an ignition interlock
 1386 system is not necessary for the safety of the community and in the best interest of
 1387 justice, order the installation of an ignition interlock system as described in
 1388 Section 41-6a-518; and

- 1389 (x) designate the individual as an interdicted person for a time period the court finds
1390 appropriate, and require the individual to surrender the individual's driver license
1391 or identification card; and
- 1392 (b) the court may:
- 1393 (i) order the individual to obtain substance abuse treatment if the substance abuse
1394 treatment program determines that substance abuse treatment is appropriate;
- 1395 (ii) order the individual to participate in a 24-7 sobriety program as defined in
1396 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 1397 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 1398 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
1399 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
1400 imposed under Subsection (1)(a).
- 1401 (b) If an individual described in Subsection (1) fails to successfully complete all of the
1402 requirements of the 24-7 sobriety program, the court shall impose the suspended jail
1403 sentence described in Subsection (2)(a).
- 1404 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
1405 Subsection (1):
- 1406 (a) the court shall:
- 1407 (i)(A) impose a jail sentence of not less than two days; or
1408 (B) require the individual to work in a compensatory-service work program for
1409 not less than 48 hours;
- 1410 (ii) order the individual to participate in a screening;
- 1411 (iii) order the individual to participate in an assessment, if it is found appropriate by a
1412 screening under Subsection (3)(a)(ii);
- 1413 (iv) order the individual to participate in an educational series if the court does not
1414 order substance abuse treatment as described under Subsection (3)(b);
- 1415 (v) impose a fine of not less than \$700;
- 1416 (vi)(A) order the individual to pay the administrative impound fee described in
1417 Section 41-6a-1406; or
1418 (B) if the administrative impound fee was paid by a party described in Subsection
1419 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1420 sentenced to reimburse the party; ~~[or]~~ and
- 1421 (vii)(A) order the individual to pay the towing and storage fees described in
1422 Section 72-9-603; or

- 1423 (B) if the towing and storage fees were paid by a party described in Subsection
 1424 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 1425 sentenced to reimburse the party; and
- 1426 (b) the court may:
- 1427 (i) order the individual to obtain substance abuse treatment if the substance abuse
 1428 treatment program determines that substance abuse treatment is appropriate;
- 1429 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 1430 (iii) order the individual to participate in a 24-7 sobriety program as defined in
 1431 Section 41-6a-515.5 if the individual is 21 years old or older;[~~or~~]
- 1432 (iv) order a combination of Subsections (3)(b)(i) through (iii)[~~;~~]; or
- 1433 (v) designate the individual as an interdicted person for a time period the court finds
 1434 appropriate, and require the individual to surrender the individual's driver license
 1435 or identification card.
- 1436 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
 1437 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
 1438 imposed under Subsection (3)(a).
- 1439 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
 1440 the requirements of the 24-7 sobriety program, the court shall impose the suspended
 1441 jail sentence described in Subsection (4)(a).
- 1442 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
 1443 years of the current conviction under Section 41-6a-502 or the commission of the
 1444 offense upon which the current conviction amounts to extreme DUI:
- 1445 (a) the court shall:
- 1446 (i)(A) impose a jail sentence of not less than 20 days;
- 1447 (B) impose a jail sentence of not less than 10 days in addition to home
 1448 confinement of not fewer than 60 consecutive days through the use of
 1449 electronic monitoring that includes a substance abuse testing instrument in
 1450 accordance with Section 41-6a-506; or
- 1451 (C) impose a jail sentence of not less than 10 days in addition to ordering the
 1452 individual to obtain substance abuse treatment, if the court finds that substance
 1453 abuse treatment is more likely to reduce recidivism and is in the interests of
 1454 public safety;
- 1455 (ii) order the individual to participate in a screening;
- 1456 (iii) order the individual to participate in an assessment, if it is found appropriate by a

- 1457 screening under Subsection (5)(a)(ii);
- 1458 (iv) order the individual to participate in an educational series if the court does not
- 1459 order substance abuse treatment as described under Subsection (5)(b);
- 1460 (v) impose a fine of not less than \$800;
- 1461 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 1462 (vii) order the installation of an ignition interlock system as described in Section
- 1463 41-6a-518;
- 1464 (viii)(A) order the individual to pay the administrative impound fee described in
- 1465 Section 41-6a-1406; or
- 1466 (B) if the administrative impound fee was paid by a party described in Subsection
- 1467 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 1468 sentenced to reimburse the party; [øf]
- 1469 (ix)(A) order the individual to pay the towing and storage fees described in
- 1470 Section 72-9-603; or
- 1471 (B) if the towing and storage fees were paid by a party described in Subsection
- 1472 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 1473 sentenced to reimburse the party; and
- 1474 (x) designate the individual as an interdicted person for a time period the court finds
- 1475 appropriate, and require the individual to surrender the individual's driver license
- 1476 or identification card; and
- 1477 (b) the court may:
- 1478 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 1479 treatment program determines that substance abuse treatment is appropriate;
- 1480 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 1481 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 1482 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 1483 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
- 1484 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 1485 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 1486 (i) five days of the jail sentence for a second offense; or
- 1487 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 1488 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
- 1489 the requirements of the 24-7 sobriety program, the court shall impose the suspended
- 1490 jail sentence described in Subsection (6)(a).

- 1491 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
1492 years of the current conviction under Section 41-6a-502 or the commission of the
1493 offense upon which the current conviction is based and that does not qualify under
1494 Subsection (5):
- 1495 (a) the court shall:
- 1496 (i)(A) impose a jail sentence of not less than 10 days; or
1497 (B) impose a jail sentence of not less than 5 days in addition to home confinement
1498 of not fewer than 30 consecutive days through the use of electronic monitoring
1499 that includes a substance abuse testing instrument in accordance with Section
1500 41-6a-506;
- 1501 (ii) order the individual to participate in a screening;
- 1502 (iii) order the individual to participate in an assessment, if it is found appropriate by a
1503 screening under Subsection (7)(a)(ii);
- 1504 (iv) order the individual to participate in an educational series if the court does not
1505 order substance abuse treatment as described under Subsection (7)(b);
- 1506 (v) impose a fine of not less than \$800;
- 1507 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 1508 (vii)(A) order the individual to pay the administrative impound fee described in
1509 Section 41-6a-1406; or
1510 (B) if the administrative impound fee was paid by a party described in Subsection
1511 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1512 sentenced to reimburse the party; ~~or~~ and
- 1513 (viii)(A) order the individual to pay the towing and storage fees described in
1514 Section 72-9-603; or
1515 (B) if the towing and storage fees were paid by a party described in Subsection
1516 41-6a-1406(6)(a), other than the individual sentenced, order the individual
1517 sentenced to reimburse the party; and
- 1518 (b) the court may:
- 1519 (i) order the individual to obtain substance abuse treatment if the substance abuse
1520 treatment program determines that substance abuse treatment is appropriate;
- 1521 (ii) order the individual to participate in a 24-7 sobriety program as defined in
1522 Section 41-6a-515.5 if the individual is 21 years old or older;~~or~~
- 1523 (iii) order a combination of Subsections (7)(b)(i) and (ii)~~;~~ ; ~~or~~
- 1524 (iv) designate the individual as an interdicted person for a time period the court finds

1525 appropriate, and require the individual to surrender the individual's driver license
1526 or identification card.

1527 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
1528 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
1529 imposed under Subsection (7)(a) after the individual has served a minimum of:

1530 (i) five days of the jail sentence for a second offense; or

1531 (ii) 10 days of the jail sentence for a third or subsequent offense.

1532 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
1533 the requirements of the 24-7 sobriety program, the court shall impose the suspended
1534 jail sentence described in Subsection (8)(a).

1535 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
1536 sentence and places the defendant on probation for a conviction of extreme DUI, the
1537 court shall[~~impose~~]:

1538 (a) impose a fine of not less than \$1,500;

1539 (b) impose a jail sentence of not less than 120 days;

1540 (c) order home confinement of not fewer than 120 consecutive days through the use of
1541 electronic monitoring that includes a substance abuse testing instrument in
1542 accordance with Section 41-6a-506; [~~and~~]

1543 (d) order supervised probation[~~;~~]; and

1544 (e) designate the individual as an interdicted person for a time period the court finds
1545 appropriate, and require the individual to surrender the individual's driver license or
1546 identification card.

1547 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:

1548 (i) shall impose an order requiring the individual to obtain a screening and
1549 assessment for alcohol and substance abuse, and treatment as appropriate; and

1550 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
1551 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
1552 older.

1553 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
1554 of the requirements of the 24-7 sobriety program, the court shall impose the
1555 suspended prison sentence described in Subsection (9).

1556 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
1557 sentence and places the defendant on probation with a sentence not described in
1558 Subsection (9), the court shall impose:

- 1559 (a) a fine of not less than \$1,500;
- 1560 (b) a jail sentence of not less than 60 days;
- 1561 (c) home confinement of not fewer than 60 consecutive days through the use of
- 1562 electronic monitoring that includes a substance abuse testing instrument in
- 1563 accordance with Section 41-6a-506; and
- 1564 (d) supervised probation.
- 1565 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
- 1566 requirements of this section.
- 1567 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 1568 (b) A court, with stipulation of both parties and approval from the judge, may convert a
- 1569 jail sentence required in this section to electronic home confinement.
- 1570 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
- 1571 under this section to be served in multiple two-day increments at weekly intervals if
- 1572 the court determines that separate jail increments are necessary to ensure the
- 1573 defendant can serve the statutorily required jail term and maintain employment.
- 1574 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
- 1575 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
- 1576 court shall order the following, or describe on record why the order or orders are not
- 1577 appropriate:
- 1578 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 1579 (b) one or more of the following:
- 1580 (i) the installation of an ignition interlock system as a condition of probation for the
- 1581 individual in accordance with Section 41-6a-518;
- 1582 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
- 1583 device or remote alcohol monitor as a condition of probation for the individual; or
- 1584 (iii) the imposition of home confinement through the use of electronic monitoring in
- 1585 accordance with Section 41-6a-506.
- 1586 Section 7. Section **41-6a-509** is amended to read:
- 1587 **41-6a-509 . Driver license suspension or revocation for a driving under the**
- 1588 **influence violation.**
- 1589 (1)(a) The Driver License Division shall, if the person is 21 years old or older at the time
- 1590 of arrest:
- 1591 (i) suspend for a period of 120 days the operator's license of a person convicted for
- 1592 the first time under Section 41-6a-502 or 76-5-102.1; or

- 1593 (ii) revoke for a period of two years the license of a person if:
- 1594 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 1595 and
- 1596 (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
- 1597 committed within a period of 10 years from the date of the prior violation.
- 1598 (b)(i) If a person elects to become an interlock restricted driver under Subsection
- 1599 53-3-223(10)(a), the Driver License Division may not suspend the operator's
- 1600 license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i)
- 1601 unless the person fails to complete 120 days of the interlock restriction.
- 1602 (ii) If a person elects to become an interlock restricted driver under Subsection
- 1603 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock
- 1604 restriction, the Driver License Division:
- 1605 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
- 1606 period of 120 days from the date the ignition interlock system was removed
- 1607 from the vehicle; and
- 1608 (B) may not reduce the 120-day suspension for any days the person was compliant
- 1609 with the interlock restriction under Subsection 53-3-223(10)(a).
- 1610 (c)(i) If a person elects to become an interlock restricted driver under Subsection
- 1611 41-6a-521(7), the Driver License Division may not suspend the operator's license
- 1612 for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the
- 1613 person fails to complete three years of the interlock restriction under Subsection
- 1614 41-6a-521(7).
- 1615 (ii) If a person elects to become an interlock restricted driver under Subsection
- 1616 41-6a-521(7), and the person fails to complete the full three years of interlock
- 1617 restriction, the Driver License Division:
- 1618 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
- 1619 period of 120 days from the date the ignition interlock system was removed
- 1620 from the vehicle; and
- 1621 (B) may not reduce the 120-day suspension for any days the person was compliant
- 1622 with the interlock restriction under Subsection 41-6a-521(7).
- 1623 (2) The Driver License Division shall, if the person is 19 years old or older but under 21
- 1624 years old at the time of arrest:
- 1625 (a) suspend the person's driver license until the person is 21 years old or for a period of
- 1626 one year, whichever is longer, if the person is convicted for the first time of a

- 1627 violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was
1628 committed on or after July 1, 2011;
- 1629 (b) deny the person's application for a license or learner's permit until the person is 21
1630 years old or for a period of one year, whichever is longer, if the person:
- 1631 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
1632 or 76-5-207 of an offense committed on or after July 1, 2011; and
- 1633 (ii) has not been issued an operator license;
- 1634 (c) revoke the person's driver license until the person is 21 years old or for a period of
1635 two years, whichever is longer, if:
- 1636 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
1637 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1638 committed within a period of 10 years from the date of the prior violation; or
- 1639 (d) deny the person's application for a license or learner's permit until the person is 21
1640 years old or for a period of two years, whichever is longer, if:
- 1641 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
1642 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1643 committed within a period of 10 years from the date of the prior violation; and
1644 (iii) the person has not been issued an operator license.
- 1645 (3) The Driver License Division shall, if the person is under 19 years old at the time of
1646 arrest:
- 1647 (a) suspend the person's driver license until the person is 21 years old if the person is
1648 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
1649 76-5-207;
- 1650 (b) deny the person's application for a license or learner's permit until the person is 21
1651 years old if the person:
- 1652 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
1653 or 76-5-207; and
- 1654 (ii) has not been issued an operator license;
- 1655 (c) revoke the person's driver license until the person is 21 years old if:
- 1656 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
1657 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1658 committed within a period of 10 years from the date of the prior violation; or
- 1659 (d) deny the person's application for a license or learner's permit until the person is 21
1660 years old if:

- 1661 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
1662 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
1663 committed within a period of 10 years from the date of the prior violation; and
1664 (iii) the person has not been issued an operator license.
- 1665 (4) The Driver License Division shall suspend or revoke the license of a person as ordered
1666 by the court under Subsection (9).
- 1667 (5) The Driver License Division shall subtract from any suspension or revocation period the
1668 number of days for which a license was previously suspended under Section 53-3-223 or
1669 53-3-231, if the previous suspension was based on the same occurrence upon which the
1670 record of conviction is based.
- 1671 (6) If a conviction recorded as impaired driving is amended to a driving under the influence
1672 conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
1673 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
- 1674 (a) may not subtract from any suspension or revocation any time for which a license was
1675 previously suspended or revoked under Section 53-3-223 or 53-3-231; and
1676 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
1677 amended conviction.
- 1678 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or
1679 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License
1680 Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or
1681 Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
- 1682 (a) completes at least six months of the license suspension;
1683 (b) completes a screening;
1684 (c) completes an assessment, if it is found appropriate by a screening under Subsection
1685 (7)(b);
1686 (d) completes substance abuse treatment if it is found appropriate by the assessment
1687 under Subsection (7)(c);
1688 (e) completes an educational series if substance abuse treatment is not required by an
1689 assessment under Subsection (7)(c) or the court does not order substance abuse
1690 treatment;
1691 (f) has not been convicted of a violation of any motor vehicle law in which the person
1692 was involved as the operator of the vehicle during the suspension period imposed
1693 under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
1694 (g) has complied with all the terms of the person's probation or all orders of the court if

- 1695 not ordered to probation; and
- 1696 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
- 1697 person has not unlawfully consumed alcohol during the suspension period
- 1698 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
- 1699 (ii) is under 18 years old and has the person's parent or legal guardian provide an
- 1700 affidavit or sworn statement to the court certifying that to the parent or legal
- 1701 guardian's knowledge the person has not unlawfully consumed alcohol during the
- 1702 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or
- 1703 (b).
- 1704 (8) If the court shortens a person's license suspension period in accordance with the
- 1705 requirements of Subsection (7), the court shall forward the order shortening the person's
- 1706 suspension period to the Driver License Division in a manner specified by the division
- 1707 prior to the completion of the suspension period imposed under Subsection (2)(a) or (b)
- 1708 or Subsection (3)(a) or (b).
- 1709 (9)(a)(i) In addition to any other penalties provided in this section, a court may order
- 1710 the operator's license of a person who is convicted of a violation of Section
- 1711 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional
- 1712 period of 90 days, 120 days, 180 days, one year, or two years to remove from the
- 1713 highways those persons who have shown they are safety hazards.
- 1714 (ii) The additional suspension or revocation period provided in this Subsection (9)
- 1715 shall begin the date on which the individual would be eligible to reinstate the
- 1716 individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or
- 1717 76-5-207.
- 1718 (b) If the court suspends or revokes the person's license under this Subsection (9), the
- 1719 court shall prepare and send to the Driver License Division an order to suspend or
- 1720 revoke that person's driving privileges for a specified period of time.
- 1721 (10)(a) The court shall notify the Driver License Division if a person fails to complete
- 1722 all court ordered:
- 1723 (i) screenings;
- 1724 (ii) assessments;
- 1725 (iii) educational series;
- 1726 (iv) substance abuse treatment; and
- 1727 (v) hours of work in a compensatory-service work program.
- 1728 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in

- 1729 Subsection (10)(a), the division shall suspend the person's driving privilege in
1730 accordance with Subsection 53-3-221(2).
- 1731 (11)(a) A court that reported a conviction of a violation of Section 41-6a-502 to the
1732 Driver License Division may shorten the suspension or revocation period imposed
1733 under Subsection (1) before completion of the suspension or revocation period if the
1734 person:
- 1735 (i) is participating in or has successfully completed a 24-7 sobriety program as
1736 defined in Section 41-6a-515.5;
 - 1737 (ii)(A) is participating in or has successfully completed a problem solving court
1738 program approved by the Judicial Council, including a driving under the
1739 influence court program or a drug court program; and
1740 (B) has elected to become an interlock restricted driver as a condition of probation
1741 during the remainder of the person's suspension or revocation period in
1742 accordance with Section 41-6a-518; or
 - 1743 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court
1744 does not have a problem solving court program approved by the Judicial Council
1745 or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the
1746 person:
 - 1747 (A) has installed an ignition interlock device in any vehicle owned or driven by
1748 the person in accordance with Section 53-3-1007; and
 - 1749 (B) did not inflict bodily injury upon another as a proximate result of having
1750 operated the vehicle in a negligent manner.
- 1751 (b) If a court shortens a person's license suspension or revocation period in accordance
1752 with the requirements of this Subsection (11), the court shall forward the order
1753 shortening the person's suspension or revocation period to the Driver License
1754 Division in a manner specified by the division.
- 1755 (c) The court shall notify the Driver License Division, in a manner specified by the
1756 Driver License Division, if a person fails to complete or comply with a condition that
1757 allowed the court to shorten the person's license suspension or revocation period
1758 under Subsection (11)(a).
- 1759 (d)(i)(A) Upon receiving the notification described in Subsection (11)(c), for a
1760 first offense, the division shall suspend the person's driving privilege for a
1761 period of 120 days from the date of notice.
- 1762 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be

1763 subtracted from the 120-day suspension period for which a driving privilege
 1764 was previously suspended under this section or Section 53-3-223, if the
 1765 previous suspension was based on the same occurrence upon which the
 1766 conviction under Section 41-6a-502 is based.

1767 (ii)(A) Upon receiving the notification described in Subsection (11)(c), for a
 1768 second or subsequent offense, the division shall revoke the person's driving
 1769 privilege for a period of two years from the date of notice.

1770 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall
 1771 be subtracted from the two-year revocation period for which a driving privilege
 1772 was previously revoked under this section or Section 53-3-223, if the previous
 1773 revocation was based on the same occurrence upon which the conviction under
 1774 Section 41-6a-502 is based.

1775 (12) If a court designates a person as an interdicted person as provided in Section
 1776 41-6a-505, the court shall:

1777 (a) require the person to surrender the person's identification card or driver license;

1778 (b) notify the Driver License Division that the person is an interdicted person; and

1779 (c) provide the person's identification card or driver license to the Driver License
 1780 Division.

1781 Section 8. Section **53-3-102** is amended to read:

1782 **53-3-102 . Definitions.**

1783 As used in this chapter:

1784 (1) "Autocycle" means a motor vehicle that:

1785 (a) is designed to travel with three or fewer wheels in contact with the ground; and

1786 (b) is equipped with:

1787 (i) a steering mechanism;

1788 (ii) seat belts; and

1789 (iii) seating that does not require the operator to straddle or sit astride the motor
 1790 vehicle.

1791 (2) "Cancellation" means the termination by the division of a license issued through error or
 1792 fraud or for which consent under Section 53-3-211 has been withdrawn.

1793 (3) "Class D license" means the class of license issued to drive motor vehicles not defined
 1794 as commercial motor vehicles or motorcycles under this chapter.

1795 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

1796 (a) issued under Section 53-3-408; or

- 1797 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
1798 contained in 49 C.F.R. Part 383.
- 1799 (5) "Commercial driver license" or "CDL" means a license:
- 1800 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,
1801 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
1802 Uniform Commercial Driver License Act, which authorizes the holder to drive a class
1803 of commercial motor vehicle; and
- 1804 (b) that was obtained by providing evidence of lawful presence in the United States with
1805 one of the document requirements described in Subsection 53-3-410(1)(i)(i).
- 1806 (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
1807 driving record that:
- 1808 (i) applies to a person who holds or is required to hold a commercial driver
1809 instruction permit or a CDL license; and
- 1810 (ii) contains the following:
- 1811 (A) information contained in the driver history, including convictions, pleas held
1812 in abeyance, disqualifications, and other licensing actions for violations of any
1813 state or local law relating to motor vehicle traffic control, committed in any
1814 type of vehicle;
- 1815 (B) driver self-certification status information under Section 53-3-410.1; and
- 1816 (C) information from medical certification record keeping in accordance with 49
1817 C.F.R. Sec. 383.73(o).
- 1818 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
1819 motor vehicle record described in Subsection [~~(30)~~] (32).
- 1820 (7)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor
1821 vehicles designed or used to transport passengers or property if the motor vehicle:
- 1822 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more
1823 pounds, or gross combination weight rating or gross combination weight of
1824 26,001 or more pounds or a lesser rating as determined by federal regulation;
- 1825 (ii) is designed to transport 16 or more passengers, including the driver; or
- 1826 (iii) is transporting hazardous materials and is required to be placarded in accordance
1827 with 49 C.F.R. Part 172, Subpart F.
- 1828 (b) The following vehicles are not considered a commercial motor vehicle for purposes
1829 of Part 4, Uniform Commercial Driver License Act:
- 1830 (i) equipment owned and operated by the United States Department of Defense when

- 1831 driven by any active duty military personnel and members of the reserves and
1832 national guard on active duty including personnel on full-time national guard duty,
1833 personnel on part-time training, and national guard military technicians and
1834 civilians who are required to wear military uniforms and are subject to the code of
1835 military justice;
- 1836 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
1837 machinery, or farm supplies to or from a farm within 150 miles of his farm but not
1838 in operation as a motor carrier for hire;
- 1839 (iii) firefighting and emergency vehicles;
- 1840 (iv) recreational vehicles that are not used in commerce and are driven solely as
1841 family or personal conveyances for recreational purposes; and
- 1842 (v) vehicles used to provide transportation network services, as defined in Section
1843 13-51-102.
- 1844 (8) "Conviction" means any of the following:
- 1845 (a) an unvacated adjudication of guilt or a determination that a person has violated or
1846 failed to comply with the law in a court of original jurisdiction or an administrative
1847 proceeding;
- 1848 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance
1849 in court;
- 1850 (c) a plea of guilty or nolo contendere accepted by the court;
- 1851 (d) the payment of a fine or court costs; or
- 1852 (e) violation of a condition of release without bail, regardless of whether the penalty is
1853 rebated, suspended, or probated.
- 1854 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
1855 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's
1856 Security, do not apply.
- 1857 (10) "Director" means the division director appointed under Section 53-3-103.
- 1858 (11) "Disqualification" means either:
- 1859 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of
1860 a person's privileges to drive a commercial motor vehicle;
- 1861 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
1862 that a person is no longer qualified to drive a commercial motor vehicle under 49
1863 C.F.R. Part 391; or
- 1864 (c) the loss of qualification that automatically follows conviction of an offense listed in

- 1865 49 C.F.R. Part 383.51.
- 1866 (12) "Division" means the Driver License Division of the department created in Section
1867 53-3-103.
- 1868 (13) "Downgrade" means to obtain a lower license class than what was originally issued
1869 during an existing license cycle.
- 1870 (14) "Drive" means:
- 1871 (a) to operate or be in physical control of a motor vehicle upon a highway; and
1872 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
1873 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any
1874 place within the state.
- 1875 (15)(a) "Driver" means an individual who drives, or is in actual physical control of a
1876 motor vehicle in any location open to the general public for purposes of vehicular
1877 traffic.
- 1878 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
1879 who is required to hold a CDL under Part 4, Uniform Commercial Driver License
1880 Act, or federal law.
- 1881 (16) "Driving privilege card" means the evidence of the privilege granted and issued under
1882 this chapter to drive a motor vehicle to a person whose privilege was obtained without
1883 providing evidence of lawful presence in the United States.
- 1884 (17) "Electronic license certificate" means the evidence, in an electronic format as
1885 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
1886 vehicle.
- 1887 (18) "Extension" means a renewal completed in a manner specified by the division.
- 1888 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
1889 implement for drawing plows, mowing machines, and other implements of husbandry.
- 1890 (20) "Highway" means the entire width between property lines of every way or place of any
1891 nature when any part of it is open to the use of the public, as a matter of right, for traffic.
- 1892 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 1893 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to a
1894 person for identification purposes.
- 1895 (23) "Indigent" means that a person's income falls below the federal poverty guideline
1896 issued annually by the United States Department of Health and Human Services in the
1897 Federal Register.
- 1898 (24) "Interdicted person" means the same as that term is defined in Section 32B-1-102.

- 1899 (25) "Interdicted person identifier" means language and other security features on a license
 1900 certificate or identification card indicating that the person is an interdicted person, which
 1901 features include:
- 1902 (a) the language "No Alcohol Sale"; and
 1903 (b) other security features identifying the individual as being restricted from purchasing
 1904 alcohol, including a prominent red stripe on the front of the license or identification
 1905 card.
- 1906 [~~(24)~~] (26) "License" means the privilege to drive a motor vehicle.
- 1907 [~~(25)~~] (27)(a) "License certificate" means the evidence of the privilege issued under this
 1908 chapter to drive a motor vehicle.
- 1909 (b) "License certificate" evidence includes:
- 1910 (i) a regular license certificate;
 1911 (ii) a limited-term license certificate;
 1912 (iii) a driving privilege card;
 1913 (iv) a CDL license certificate;
 1914 (v) a limited-term CDL license certificate;
 1915 (vi) a temporary regular license certificate;
 1916 (vii) a temporary limited-term license certificate; and
 1917 (viii) an electronic license certificate created in Section 53-3-235.
- 1918 [~~(26)~~] (28) "Limited-term commercial driver license" or "limited-term CDL" means a
 1919 license:
- 1920 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
 1921 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with
 1922 Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive
 1923 a class of commercial motor vehicle; and
- 1924 (b) that was obtained by providing evidence of lawful presence in the United States with
 1925 one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
- 1926 [~~(27)~~] (29) "Limited-term identification card" means an identification card issued under this
 1927 chapter to a person whose card was obtained by providing evidence of lawful presence
 1928 in the United States with one of the document requirements described in Subsection
 1929 53-3-804(2)(i)(ii).
- 1930 [~~(28)~~] (30) "Limited-term license certificate" means the evidence of the privilege granted
 1931 and issued under this chapter to drive a motor vehicle to a person whose privilege was
 1932 obtained providing evidence of lawful presence in the United States with one of the

1933 document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

1934 [~~(29)~~] (31) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

1935 [~~(30)~~] (32) "Motor vehicle record" or "MVR" means a driving record under Subsection

1936 53-3-109(7)(a).

1937 [~~(31)~~] (33) "Motorboat" means the same as that term is defined in Section 73-18-2.

1938 [~~(32)~~] (34) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or

1939 saddle for the use of the rider and designed to travel with not more than three wheels in

1940 contact with the ground.

1941 [~~(33)~~] (35) "Office of Recovery Services" means the Office of Recovery Services, created in

1942 Section 26B-9-103.

1943 [~~(34)~~] (36) "Operate" means the same as that term is defined in Section 41-1a-102.

1944 [~~(35)~~] (37)(a) "Owner" means a person other than a lien holder having an interest in the

1945 property or title to a vehicle.

1946 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a

1947 security interest in another person but excludes a lessee under a lease not intended as

1948 security.

1949 [~~(36)~~] (38) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,

1950 or other financial penalty imposed on an individual by a court or other government

1951 entity.

1952 [~~(37)~~] (39)(a) "Private passenger carrier" means any motor vehicle for hire that is:

1953 (i) designed to transport 15 or fewer passengers, including the driver; and

1954 (ii) operated to transport an employee of the person that hires the motor vehicle.

1955 (b) "Private passenger carrier" does not include:

1956 (i) a taxicab;

1957 (ii) a motor vehicle driven by a transportation network driver as defined in Section

1958 13-51-102;

1959 (iii) a motor vehicle driven for transportation network services as defined in Section

1960 13-51-102; and

1961 (iv) a motor vehicle driven for a transportation network company as defined in

1962 Section 13-51-102 and registered with the Division of Consumer Protection as

1963 described in Section 13-51-104.

1964 [~~(38)~~] (40) "Regular identification card" means an identification card issued under this

1965 chapter to a person whose card was obtained by providing evidence of lawful presence

1966 in the United States with one of the document requirements described in Subsection

1967 53-3-804(2)(i)(i).

1968 [(39)] (41) "Regular license certificate" means the evidence of the privilege issued under
 1969 this chapter to drive a motor vehicle whose privilege was obtained by providing
 1970 evidence of lawful presence in the United States with one of the document requirements
 1971 described in Subsection 53-3-205(8)(a)(ii)(A).

1972 [(40)] (42) "Renewal" means to validate a license certificate so that it expires at a later date.

1973 [(41)] (43) "Reportable violation" means an offense required to be reported to the division
 1974 as determined by the division and includes those offenses against which points are
 1975 assessed under Section 53-3-221.

1976 [(42)] (44)(a) "Resident" means an individual who:

1977 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
 1978 regardless of domicile, remains in this state for an aggregate period of six months
 1979 or more during any calendar year;

1980 (ii) engages in a trade, profession, or occupation in this state, or who accepts
 1981 employment in other than seasonal work in this state, and who does not commute
 1982 into the state;

1983 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
 1984 license certificate or motor vehicle registration; or

1985 (iv) declares himself a resident of this state to obtain privileges not ordinarily
 1986 extended to nonresidents, including going to school, or placing children in school
 1987 without paying nonresident tuition or fees.

1988 (b) "Resident" does not include any of the following:

1989 (i) a member of the military, temporarily stationed in this state;

1990 (ii) an out-of-state student, as classified by an institution of higher education,
 1991 regardless of whether the student engages in any type of employment in this state;

1992 (iii) a person domiciled in another state or country, who is temporarily assigned in
 1993 this state, assigned by or representing an employer, religious or private
 1994 organization, or a governmental entity; or

1995 (iv) an immediate family member who resides with or a household member of a
 1996 person listed in Subsections [(42)(b)(i)] (44)(b)(i) through (iii).

1997 [(43)] (45) "Revocation" means the termination by action of the division of a licensee's
 1998 privilege to drive a motor vehicle.

1999 [(44)] (46)(a) "School bus" means a commercial motor vehicle used to transport
 2000 pre-primary, primary, or secondary school students to and from home and school, or

2001 to and from school sponsored events.

2002 (b) "School bus" does not include a bus used as a common carrier as defined in Section
2003 59-12-102.

2004 [(45)] (47) "Suspension" means the temporary withdrawal by action of the division of a
2005 licensee's privilege to drive a motor vehicle.

2006 [(46)] (48) "Taxicab" means any class D motor vehicle transporting any number of
2007 passengers for hire and that is subject to state or federal regulation as a taxi.

2008 Section 9. Section **53-3-104** is amended to read:

2009 **53-3-104 . Division duties.**

2010 The division shall:

2011 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make
2012 rules:

2013 (a) for examining applicants for a license, as necessary for the safety and welfare of the
2014 traveling public;

2015 (b) for acceptable documentation of an applicant's identity, Social Security number,
2016 Utah resident status, Utah residence address, proof of legal presence, proof of
2017 citizenship in the United States, honorable or general discharge from the United
2018 States military, and other proof or documentation required under this chapter;

2019 (c) for acceptable documentation to verify that an individual is homeless as verified by
2020 the Department of Workforce Services, for purposes of residency, address
2021 verification, and obtaining a fee waiver;

2022 (d) regarding the restrictions to be imposed on an individual driving a motor vehicle
2023 with a temporary learner permit or learner permit;

2024 (e) regarding the format and restrictions for an interdicted person identifier on a license
2025 certificate and identification card;

2026 [(e)] (f) for exemptions from licensing requirements as authorized in this chapter;

2027 [(f)] (g) establishing procedures for the storage and maintenance of applicant information
2028 provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and

2029 [(g)] (h) to provide educational information to each applicant for a license, which
2030 information shall be based on data provided by the Division of Air Quality, including:

2031 (i) ways drivers can improve air quality; and

2032 (ii) the harmful effects of vehicle emissions;

2033 (2) examine each applicant according to the class of license applied for;

2034 (3) license motor vehicle drivers;

- 2035 (4) file every application for a license received by the division and shall maintain indices
2036 containing:
- 2037 (a) all applications denied and the reason each was denied;
- 2038 (b) all applications granted; and
- 2039 (c) the name of every licensee whose license has been suspended, disqualified, or
2040 revoked by the division and the reasons for the action;
- 2041 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
2042 chapter;
- 2043 (6) file all accident reports and abstracts of court records of convictions received by the
2044 division under state law;
- 2045 (7) maintain a record of each licensee showing the licensee's convictions and the traffic
2046 accidents in which the licensee has been involved where a conviction has resulted;
- 2047 (8) consider the record of a licensee upon an application for renewal of a license and at
2048 other appropriate times;
- 2049 (9) search the license files, compile, and furnish a report on the driving record of any
2050 individual licensed in the state in accordance with Section 53-3-109;
- 2051 (10) develop and implement a record system as required by Section 41-6a-604;
- 2052 (11) in accordance with Section 53G-10-507, establish:
- 2053 (a) procedures and standards to certify teachers of driver education classes to administer
2054 knowledge and skills tests;
- 2055 (b) minimal standards for the tests; and
- 2056 (c) procedures to enable school districts to administer or process any tests for students to
2057 receive a class D operator's license;
- 2058 (12) in accordance with Section 53-3-510, establish:
- 2059 (a) procedures and standards to certify licensed instructors of commercial driver training
2060 school courses to administer the skills test;
- 2061 (b) minimal standards for the test; and
- 2062 (c) procedures to enable licensed commercial driver training schools to administer or
2063 process skills tests for students to receive a class D operator's license;
- 2064 (13) provide administrative support to the Driver License Medical Advisory Board created
2065 in Section 53-3-303;
- 2066 (14) upon request by the lieutenant governor, provide the lieutenant governor with a digital
2067 copy of the driver license or identification card signature of an individual who is an
2068 applicant for voter registration under Section 20A-2-206;

- 2069 (15) in accordance with Section 53-3-407.1, establish:
- 2070 (a) procedures and standards to license a commercial driver license third party tester or
- 2071 commercial driver license third party examiner to administer the commercial driver
- 2072 license skills tests;
- 2073 (b) minimum standards for the commercial driver license skills test; and
- 2074 (c) procedures to enable a licensed commercial driver license third party tester or
- 2075 commercial driver license third party examiner to administer a commercial driver
- 2076 license skills test for an applicant to receive a commercial driver license;[~~and~~]
- 2077 (16) receive from the Department of Health and Human Services a result from a blood or
- 2078 urine test of an individual arrested for driving under the influence and use the blood or
- 2079 urine test result in an administrative hearing or agency review involving the individual
- 2080 who is the subject of the blood or urine test as described in Section 53-3-111[-] ; and
- 2081 (17) as soon as practicable, ensure that a license and identification card includes the ability
- 2082 to provide information about restrictions on the license or identification card through an
- 2083 electronic scan.

2084 Section 10. Section **53-3-105** is amended to read:

2085 **53-3-105 . Fees for licenses, renewals, extensions, reinstatements, rescheduling,**

2086 **and identification cards.**

2087 Except as provided in Subsection (39), the following fees apply under this chapter:

- 2088 (1) An original class D license application under Section 53-3-205 is \$52.
- 2089 (2) An original provisional license application for a class D license under Section 53-3-205
- 2090 is \$39.
- 2091 (3) An original limited term license application under Section 53-3-205 is \$32.
- 2092 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.
- 2093 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.
- 2094 (6) A learner permit application under Section 53-3-210.5 is \$19.
- 2095 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)
- 2096 applies.
- 2097 (8) A renewal of a provisional license application for a class D license under Section
- 2098 53-3-214 is \$52.
- 2099 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.
- 2100 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.
- 2101 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.
- 2102 (12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is

- 2103 \$27.
- 2104 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)
2105 applies.
- 2106 (14) An extension of a provisional license application for a class D license under Section
2107 53-3-214 is \$42.
- 2108 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.
- 2109 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.
- 2110 (17) An extension of a class D license for an individual 65 and older under Section 53-3-214
2111 is \$22.
- 2112 (18) An original or renewal application for a commercial class A, B, or C license or an
2113 original or renewal of a provisional commercial class A or B license under Part 4,
2114 Uniform Commercial Driver License Act, is \$52.
- 2115 (19) A commercial class A, B, or C license skills test is \$78.
- 2116 (20) Each original CDL endorsement for passengers, hazardous material, double or triple
2117 trailers, or tankers is \$9.
- 2118 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
2119 Driver License Act, is \$9.
- 2120 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License
2121 Act, is \$9.
- 2122 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
- 2123 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 2124 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 2125 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 2126 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.
- 2127 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
2128 combination of alcohol and any drug-related offense is \$45 in addition to the fee
2129 under Subsection (26)(a).
- 2130 (27)(a) An administrative fee for license reinstatement after an alcohol, drug, or
2131 combination of alcohol and any drug-related offense under Section 41-6a-520,
2132 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any
2133 drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.
- 2134 (b) This administrative fee is in addition to the fees under Subsection (26).
- 2135 (28)(a) An administrative fee for providing the driving record of a driver under Section
2136 53-3-104 or 53-3-420 is \$8.

- 2137 (b) The division may not charge for a report furnished under Section 53-3-104 to a
2138 municipal, county, state, or federal agency.
- 2139 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 2140 (30)(a) Except as provided under Subsections (30)(b) and (c), an identification card
2141 application under Section 53-3-808 is \$23.
- 2142 (b) An identification card application under Section 53-3-808 for a person with a
2143 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 2144 (c) A fee may not be charged for an identification card application if the individual
2145 applying:
- 2146 (i)(A) has not been issued a Utah driver license;
2147 (B) is indigent; and
2148 (C) is at least 18 years old;
- 2149 (ii) submits written verification that the individual is homeless, as defined in Section
2150 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child
2151 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 2152 (A) a homeless shelter, as defined in Section 35A-16-305;
2153 (B) a permanent housing, permanent, supportive, or transitional facility, as defined
2154 in Section 35A-5-302;
2155 (C) the Department of Workforce Services; or
2156 (D) a local educational agency liaison for homeless children and youth designated
2157 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
- 2158 (iii) is under~~the age of~~ 26 years old and submits written verification that the
2159 individual:
- 2160 (A) is in the custody of the Division of Child and Family Services; or
2161 (B) was in the custody of the Division of Child and Family Services but is no
2162 longer in the custody of the Division of Child and Family Services due to the
2163 individual's age.
- 2164 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a
2165 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 2166 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written
2167 verification that the individual is homeless, as defined in Section 26B-3-207, or a
2168 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is
2169 homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 2170 (i) a homeless shelter, as defined in Section 35A-16-305;

- 2171 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
2172 Section 35A-5-302;
- 2173 (iii) the Department of Workforce Services;
- 2174 (iv) a homeless service provider as verified by the Department of Workforce Services
2175 as described in Section 26B-8-113; or
- 2176 (v) a local educational agency liaison for homeless children and youth designated
2177 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).
- 2178 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is
2179 \$23.
- 2180 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written
2181 verification that the individual is homeless, as defined in Section 26B-3-207, or a
2182 person who is homeless, as defined in Section 35A-5-302, from:
- 2183 (i) a homeless shelter, as defined in Section 35A-16-305;
- 2184 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
2185 Section 35A-5-302;
- 2186 (iii) the Department of Workforce Services; or
- 2187 (iv) a homeless service provider as verified by the Department of Workforce Services
2188 as described in Section 26B-8-113.
- 2189 (33) In addition to any license application fees collected under this chapter, the division
2190 shall impose on individuals submitting fingerprints in accordance with Section
2191 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for
2192 the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
- 2193 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.
- 2194 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.
- 2195 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.
- 2196 (37) An original driving privilege card application under Section 53-3-207 is \$32.
- 2197 (38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.
- 2198 (39) A fee may not be charged for an original class D license application, original
2199 provisional license application for a class D license, or a learner permit application if the
2200 individual applying is:
- 2201 (a) under the~~[-age of]~~ 26 years old; and
- 2202 (b) submits written verification that the individual:
- 2203 (i) is in the custody of the Division of Child and Family Services; or
- 2204 (ii) was in the custody of the Division of Child and Family Services but is no longer

2205 in the custody of the Division of Child and Family Services due to the individual's
2206 age.

2207 (40) An administrative fee to add an interdicted person identifier to a license certificate or
2208 identification card under Section 53-3-236 is \$75.

2209 Section 11. Section **53-3-236** is enacted to read:

2210 **53-3-236 . Interdicted person identifier -- License notation.**

2211 (1) If the division receives a notification from a court as provided in Section 41-6a-505 or
2212 41-6a-509 that an individual is an interdicted person, the division:

2213 (a)(i) may accept an application from the individual for a duplicate license that
2214 includes an interdicted person identifier; and

2215 (ii) if the individual submits an application and qualifies for a license certificate, may
2216 provide a license certificate with the interdicted person identifier; or

2217 (b)(i) may accept an application from the individual for an original license with an
2218 interdicted person identifier; and

2219 (ii) if the individual submits an application and qualifies for a license certificate, may
2220 provide a license certificate with an interdicted person identifier.

2221 (2) The division may not provide to an individual a license certificate without the
2222 interdicted person identifier during the time period the court has designated the person
2223 as an interdicted person.

2224 (3)(a) An individual may voluntarily apply for a duplicate or original license that
2225 includes an interdicted person identifier.

2226 (b) An individual that voluntarily applies for a duplicate or original license certificate
2227 with an interdicted person identifier may not apply for another duplicate or original
2228 license certificate without the interdicted person identifier for at least 30 days after
2229 the application for the license certificate with the interdicted person identifier.

2230 (4) An individual may not hold a license certificate with an interdicted person identifier
2231 while also holding another license certificate.

2232 (5) The division may charge a reasonable fee to an individual to process and provide a
2233 license certificate with an interdicted person identifier.

2234 (6) An individual who is designated as an interdicted person by a court is subject to the
2235 duplicate license fee and other fees necessary to administer the license certificate with
2236 the interdicted person identifier.

2237 Section 12. Section **53-3-805** is amended to read:

2238 **53-3-805 . Identification card -- Contents -- Specifications.**

- 2239 (1) As used in this section:
- 2240 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
- 2241 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.
- 2242 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.
- 2243 (d) "Invisible condition identification symbol" means the same as that term is defined in
- 2244 Section 53-3-207.
- 2245 (2)(a) The division shall issue an identification card that bears:
- 2246 (i) the distinguishing number assigned to the individual by the division;
- 2247 (ii) the name, birth date, and Utah residence address of the individual;
- 2248 (iii) a brief description of the individual for the purpose of identification;
- 2249 (iv) a photograph of the individual;
- 2250 (v) a photograph or other facsimile of the individual's signature;
- 2251 (vi) an indication whether the individual intends to make an anatomical gift under
- 2252 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and
- 2253 (vii) if the individual states that the individual is a veteran of the United States
- 2254 military on the application for an identification card in accordance with Section
- 2255 53-3-804 and provides verification that the individual received an honorable or
- 2256 general discharge from the United States Armed Forces, an indication that the
- 2257 individual is a United States military veteran for a regular identification card or a
- 2258 limited-term identification card issued on or after July 1, 2011.
- 2259 (b) An identification card issued by the division may not bear the individual's social
- 2260 security number or place of birth.
- 2261 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and
- 2262 alteration.
- 2263 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
- 2264 prescribed by the commissioner.
- 2265 (4) At the applicant's request, the card may include a statement that the applicant has a
- 2266 special medical problem or allergies to certain drugs, for the purpose of medical
- 2267 treatment.
- 2268 (5)(a) The division shall include or affix an invisible condition identification symbol on
- 2269 an individual's identification card if the individual or the individual's authorized
- 2270 guardian, on a form prescribed by the department:
- 2271 (i) requests the division to include the invisible condition identification symbol;
- 2272 (ii) provides written verification from a health care professional that the individual is

- 2273 an individual with an invisible condition; and
- 2274 (iii) submits a signed waiver of liability for the release of any medical information to:
- 2275 (A) the department;
- 2276 (B) any person who has access to the individual's medical information as recorded
- 2277 on the individual's driving record or the Utah Criminal Justice Information
- 2278 System under this chapter;
- 2279 (C) any other person who may view or receive notice of the individual's medical
- 2280 information by seeing the individual's identification card or the individual's
- 2281 information in the Utah Criminal Justice Information System;
- 2282 (D) a local law enforcement agency that receives a copy of the form described in
- 2283 this Subsection (5)(a) and enters the contents of the form into the local law
- 2284 enforcement agency's record management system or computer-aided dispatch
- 2285 system; and
- 2286 (E) a dispatcher who accesses the information regarding the individual's invisible
- 2287 condition through the use of a local law enforcement agency's record
- 2288 management system or computer-aided dispatch system.
- 2289 (b) As part of the form described in Subsection (5)(a), the department shall advise the
- 2290 individual or the individual's authorized guardian that by submitting the request and
- 2291 signed waiver, the individual or the individual's authorized guardian consents to the
- 2292 release of the individual's medical information to any person described in Subsection
- 2293 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
- 2294 information under state or federal law.
- 2295 (c) The division may not:
- 2296 (i) charge a fee to include the invisible condition identification symbol on the
- 2297 individual's identification card; or
- 2298 (ii) after including the invisible condition identification symbol on the individual's
- 2299 previously issued identification card, require the individual to provide subsequent
- 2300 written verification described in Subsection (5)(a)(ii) to include the invisible
- 2301 condition identification symbol on the individual's extended identification card.
- 2302 (d) The division shall confirm with the Division of Professional Licensing that the health
- 2303 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 2304 (e) The inclusion of an invisible condition identification symbol on an individual's
- 2305 identification card in accordance with Subsection (5)(a) does not confer any legal
- 2306 rights or privileges on the individual, including parking privileges for individuals

- 2307 with disabilities under Section 41-1a-414.
- 2308 (f) For each individual issued an identification card under this section that includes an
2309 invisible condition identification symbol, the division shall include in the division's
2310 database a brief description of the nature of the individual's invisible condition in the
2311 individual's record and provide the brief description to the Utah Criminal Justice
2312 Information System.
- 2313 (g) Except as provided in this section, the division may not release the information
2314 described in Subsection (5)(f).
- 2315 (h) Within 30 days after the day on which the division receives an individual's or the
2316 individual's authorized guardian's written request, the division shall:
- 2317 (i) remove from the individual's record in the division's database the invisible
2318 condition identification symbol and the brief description described in Subsection
2319 (5)(f); and
- 2320 (ii) provide the individual's updated record to the Utah Criminal Justice Information
2321 System.
- 2322 (6)(a) If the division receives a notification from a court as provided in Section
2323 41-6a-505 that an individual is an interdicted person, the division:
- 2324 (i) may accept an application from the individual for a duplicate identification card
2325 that includes an interdicted person identifier; and
- 2326 (ii) if the individual submits an application and qualifies for an identification card,
2327 may provide an identification card with the interdicted person identifier.
- 2328 (b)(i) An individual may voluntarily apply for a duplicate identification card that
2329 includes an interdicted person identifier.
- 2330 (ii) An individual that voluntarily applies for a duplicate identification card with an
2331 interdicted person identifier may not apply for another duplicate identification
2332 card without the interdicted person identifier for at least 30 days after the
2333 application for the identification card with the interdicted person identifier.
- 2334 (c) The division may not provide to an individual an identification card without the
2335 interdicted person identifier during the time period the court has designated the
2336 person as an interdicted person.
- 2337 (d) The division may charge a reasonable fee to an individual to process and provide an
2338 identification card with an interdicted person identifier.
- 2339 (e) An individual who is designated as an interdicted person by a court is subject to the
2340 duplicate identification card fee and other fees necessary to administer the

2341 identification card with an interdicted person identifier.

2342 [~~(6)~~] (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a)

2343 is a private record for purposes of Title 63G, Chapter 2, Government Records Access

2344 and Management Act.

2345 [~~(7)~~] (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be

2346 authenticated by the applicant in accordance with division rule.

2347 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and

2348 Management Act, the division may, upon request, release to an organ procurement

2349 organization, as defined in Section 26B-8-301, the names and addresses of all

2350 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make

2351 an anatomical gift.

2352 (ii) An organ procurement organization may use released information only to:

2353 (A) obtain additional information for an anatomical gift registry; and

2354 (B) inform applicants of anatomical gift options, procedures, and benefits.

2355 [~~(8)~~] (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and

2356 Management Act, the division may release to the Department of Veterans and Military

2357 Affairs the names and addresses of all individuals who indicate their status as a veteran

2358 under Subsection 53-3-804(2)(l).

2359 [~~(9)~~] (10) The division and the division's employees are not liable, as a result of false or

2360 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or

2361 indirect:

2362 (a) loss;

2363 (b) detriment; or

2364 (c) injury.

2365 [~~(10)~~] (11)(a) The division may issue a temporary regular identification card to an

2366 individual while the individual obtains the required documentation to establish

2367 verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d),

2368 and (i)(i).

2369 (b) A temporary regular identification card issued under this Subsection [~~(10)~~] (11) shall

2370 be recognized and grant the individual the same privileges as a regular identification

2371 card.

2372 (c) A temporary regular identification card issued under this Subsection [~~(10)~~] (11) is

2373 invalid:

2374 (i) when the individual's regular identification card has been issued;

- 2375 (ii) when, for good cause, an applicant's application for a regular identification card
2376 has been refused; or
2377 (iii) upon expiration of the temporary regular identification card.
- 2378 (d) The division shall coordinate with the Department of Corrections in providing an
2379 inmate with a temporary regular identification card as described in Section 64-13-10.6.
2380 Section 13. Section **53-3-808** is amended to read:
2381 **53-3-808 . Fee required for identification card.**
- 2382 (1) The commissioner may charge and collect a fee only as provided by Section 53-3-105
2383 when an application for an identification card or an identification card with an
2384 interdicted person identifier is submitted.
- 2385 (2)(a) Before accepting an application from an indigent person for an identification card
2386 without the payment of a fee, the division shall require that the indigent person sign a
2387 statement under penalty of perjury that the person is indigent.
- 2388 (b) The division may require an indigent person applying for an identification card
2389 without the payment of a fee to execute a release form allowing the division to
2390 inquire with the State Tax Commission whether the person has filed state income tax
2391 returns or has state income tax withholding suggesting that the person is not indigent.
- 2392 Section 14. **Effective Date.**
2393 This bill takes effect on January 1, 2026.