

Jerry W. Stevenson proposes the following substitute bill:

Alcohol Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill amends provisions relating to alcohol.

Highlighted Provisions:

This bill:

- defines terms;
- exempts an alcohol overlay district from proximity requirements;
- permits a local government to authorize an outlet or restaurant with an alcohol license to be in proximity to a public park or playground;
- provides that an authorized person shall verify proof of age for each individual purchasing alcohol or gaining access to a bar or tavern;
- requires that the Alcoholic Beverage Services Commission (commission) ensure that the electronic verification program includes technology that recognizes unique security features on a state issued identification card;
- requires that the Department of Alcoholic Beverage Services (department) develop a training program for authorized persons to verify whether an individual is an interdicted person;
- increases the state markup on spirituous liquor and wine to fund the Inmate Education Restricted Account;
- requires that, before the sale of an alcohol product, a person verify whether the purchaser is an interdicted person through examination of the person's identification card;
- clarifies the commission's authority when granting or denying an application for a retail license;
- provides that a hotel may serve spirituous liquor in a container that is not the spirituous liquor's original container;
- provides that a patron of a facility with multiple licenses may transport beer between the

premises under certain conditions;

- authorizes staff of a retail licensee that are 21 years old or older to test the quality and taste of liquor using the "straw test";
- removes the requirement that dispensing locations under an equity license be connected by a private roadway;
- provides that an equity license applies to all locations owned by an equity licensee;
- provides that an amphitheater qualifies for a banquet license;
- provides that the department may approve multiple locations in or on the licensed premises of an on-premise banquet licensee;
- lowers the seating capacity threshold for a sport facility or concert venue for purposes of receiving an on-premises beer retailer license;
- provides the circumstances under which an off-premise beer retailer may sell beer at a loading area or a designated parking stall;
- requires that a person applying for an event permit post a surety bond;
- requires that a court designate an individual as an interdicted person under certain circumstances;
- provides the requirements that a court shall order an individual designated as an interdicted person complete;
- requires that the Driver License Division establish rules regarding a license certificate and identification card for an interdicted person;
- establishes the administrative fee to add an interdicted person identifier to a license certificate or identification card;
- establishes the process by which an interdicted person receives an interdicted person identifier on a license certificate or identification card;
- renames the Prison Telephone Surcharge Account to the Inmate Education Restricted Account;
- provides additional funding for the Inmate Education Restricted Account;
- modifies the uses of the funds in the Inmate Education Restricted Account;
- authorizes certain education institutions to provide vocational and education services related to the Inmate Education Restricted Account; and
- makes technical changes.

Money Appropriated in this Bill:

None

62 **Other Special Clauses:**

63 None

64 **Utah Code Sections Affected:**65 **AMENDS:**66 **32B-1-102**, as last amended by Laws of Utah 2024, Chapters 438, 46467 **32B-1-202**, as last amended by Laws of Utah 2024, Chapter 9468 **32B-1-407**, as last amended by Laws of Utah 2018, Chapter 24969 **32B-1-603.5**, as enacted by Laws of Utah 2023, Chapter 37170 **32B-1-607**, as last amended by Laws of Utah 2021, Chapter 29171 **32B-1-704**, as last amended by Laws of Utah 2024, Chapter 43872 **32B-2-304**, as last amended by Laws of Utah 2024, Chapter 9473 **32B-4-405**, as enacted by Laws of Utah 2010, Chapter 27674 **32B-5-201**, as last amended by Laws of Utah 2024, Chapter 9475 **32B-5-304**, as last amended by Laws of Utah 2024, Chapter 9476 **32B-5-306**, as last amended by Laws of Utah 2019, Chapter 40377 **32B-5-307**, as last amended by Laws of Utah 2022, Chapter 44778 **32B-5-308**, as last amended by Laws of Utah 2019, Chapter 40379 **32B-6-403**, as last amended by Laws of Utah 2024, Chapter 9480 **32B-6-603**, as last amended by Laws of Utah 2023, Chapter 37181 **32B-6-604**, as last amended by Laws of Utah 2024, Chapter 9482 **32B-6-605**, as last amended by Laws of Utah 2024, Chapter 9483 **32B-6-702**, as last amended by Laws of Utah 2024, Chapter 9484 **32B-7-202**, as last amended by Laws of Utah 2024, Chapter 9485 **32B-9-203**, as enacted by Laws of Utah 2010, Chapter 27686 **41-6a-102**, as last amended by Laws of Utah 2024, Chapter 23687 **41-6a-505**, as last amended by Laws of Utah 2024, Chapters 134, 19788 **41-6a-509**, as last amended by Laws of Utah 2024, Chapter 10689 **53-3-102**, as last amended by Laws of Utah 2024, Chapter 51790 **53-3-104**, as last amended by Laws of Utah 2024, Chapter 10691 **53-3-105**, as last amended by Laws of Utah 2024, Chapter 52792 **53-3-805**, as last amended by Laws of Utah 2023, Chapters 328, 414 and 45693 **53-3-808**, as last amended by Laws of Utah 2009, Chapter 4594 **64-13-30.5**, as enacted by Laws of Utah 2009, Chapter 25895 **64-13-42**, as last amended by Laws of Utah 2024, Chapter 144

96 **76-5-102.1**, as last amended by Laws of Utah 2024, Chapter 197
97 **76-5-207**, as last amended by Laws of Utah 2024, Chapters 153, 208 and 381
98 ENACTS:
99 **53-3-236**, Utah Code Annotated 1953

100

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

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

103 **32B-1-102 . Definitions.**

104 As used in this title:

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

- 106 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
107 (b) that is located at an international airport or domestic airport.

108 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail
109 License Act, and Chapter 6, Part 5, Airport Lounge License.

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

- 111 (a) beer; or
112 (b) liquor.

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

- 114 (i) contains at least .5% of alcohol by volume; and
115 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
116 process that uses liquid or combinations of liquids, whether drinkable or not, to
117 create alcohol in an amount equal to or greater than .5% of alcohol by volume.

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

119 (c) "Alcoholic product" does not include any of the following common items that
120 otherwise come within the definition of an alcoholic product:

- 121 (i) except as provided in Subsection (4)(d), an extract;
122 (ii) vinegar;
123 (iii) preserved nonintoxicating cider;
124 (iv) essence;
125 (v) tincture;
126 (vi) food preparation; or
127 (vii) an over-the-counter medicine.

128 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
129 when it is used as a flavoring in the manufacturing of an alcoholic product.

- 130 (5) "Alcohol training and education seminar" means a seminar that is:
- 131 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 132 (b) described in Section 26B-5-205.
- 133 (6)(a) "Amphitheater" means an outdoor, multi-use performance venue that:
- 134 (i) is primarily used to present live entertainment, including music, dance, comedy,
- 135 and theater;
- 136 (ii) has the capacity to hold over 10,000 patrons; and
- 137 (iii) is located in a county of the first class.
- 138 (b) "Amphitheater" does not include a space that is used to present sporting events or
- 139 sporting competitions.
- 140 [(6)] (7) "Arena" means an enclosed building:
- 141 (a) that is managed by:
- 142 (i) the same person who owns the enclosed building;
- 143 (ii) a person who has a majority interest in each person who owns or manages a space
- 144 in the enclosed building; or
- 145 (iii) a person who has authority to direct or exercise control over the management or
- 146 policy of each person who owns or manages a space in the enclosed building;
- 147 (b) that operates as a venue; and
- 148 (c) that has an occupancy capacity of at least 12,500.
- 149 [(7)] (8) "Arena license" means a license issued in accordance with Chapter 5, Retail
- 150 License Act, and Chapter 8c, Arena License Act.
- 151 [(8)] (9) "Banquet" means an event:
- 152 (a) that is a private event or a privately sponsored event;
- 153 (b) that is held at one or more designated locations approved by the commission in or on
- 154 the premises of:
- 155 (i) a hotel;
- 156 (ii) a resort facility;
- 157 (iii) a sports center;
- 158 (iv) a convention center;
- 159 (v) a performing arts facility;
- 160 (vi) an arena;[~~or~~]
- 161 (vii) a restaurant venue;or
- 162 (viii) an amphitheater;
- 163 (c) for which there is a contract:

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

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

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

~~[(9)]~~ (10)(a) "Bar establishment license" means a license issued in accordance with

Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

(b) "Bar establishment license" includes:

(i) a dining club license;

(ii) an equity license;

(iii) a fraternal license; or

(iv) a bar license.

~~[(10)]~~ (11) "Bar license" means a license issued in accordance with Chapter 5, Retail

License Act, and Chapter 6, Part 4, Bar Establishment License.

~~[(11)]~~ (12)(a) "Beer" means a product that:

(i) contains:

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

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

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

(A) malt; or

(B) a malt substitute; and

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

(A) beer;

(B) ale;

(C) porter;

(D) stout;

(E) lager;

(F) a malt;

(G) a malted beverage; or

(H) seltzer.

(b) "Beer" may contain:

(i) hops extract;

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

- (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
 - (A) is used in the production of beer;
 - (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
 - (C) does not contribute more than 10% of the overall alcohol content of the beer.

(c) "Beer" does not include:

- (i) a flavored malt beverage;
- (ii) a product that contains alcohol derived from:
 - (A) except as provided in Subsection ~~[(11)(b)(iii)]~~ (12)(b)(iii), spirituous liquor; or
 - (B) wine; or
- (iii) a product that contains an additive masking or altering a physiological effect of alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.

~~[(12)]~~ (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

~~[(13)]~~ (14) "Beer retailer" means a business that:

- (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption on or off the business premises; and
- (b) is licensed as:
 - (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer Retailer Local Authority; or
 - (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License.

~~[(14)]~~ (15) "Beer wholesaling license" means a license:

- (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail licensees or off-premise beer retailers.

~~[(15)]~~ (16) "Billboard" means a public display used to advertise, including:

- (a) a light device;
- (b) a painting;
- (c) a drawing;
- (d) a poster;
- (e) a sign;
- (f) a signboard; or

- 232 (g) a scoreboard.
- 233 [(16)] (17) "Brewer" means a person engaged in manufacturing:
- 234 (a) beer;
- 235 (b) heavy beer; or
- 236 (c) a flavored malt beverage.
- 237 [(17)] (18) "Brewery manufacturing license" means a license issued in accordance with
- 238 Chapter 11, Part 5, Brewery Manufacturing License.
- 239 [(18)] (19) "Certificate of approval" means a certificate of approval obtained from the
- 240 department under Section 32B-11-201.
- 241 [(19)] (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided
- 242 by a bus company to a group of persons pursuant to a common purpose:
- 243 (a) under a single contract;
- 244 (b) at a fixed charge in accordance with the bus company's tariff; and
- 245 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 246 motor vehicle, and a driver to travel together to one or more specified destinations.
- 247 [(20)] (21) "Church" means a building:
- 248 (a) set apart for worship;
- 249 (b) in which religious services are held;
- 250 (c) with which clergy is associated; and
- 251 (d) that is tax exempt under the laws of this state.
- 252 [(21)] (22) "Commission" means the Alcoholic Beverage Services Commission created in
- 253 Section 32B-2-201.
- 254 [(22)] (23) "Commissioner" means a member of the commission.
- 255 [(23)] (24) "Community location" means:
- 256 (a) a public or private school as defined in Subsection [32B-1-102(115)] (116); or
- 257 (b) a church[;] .
- 258 [(e) a public library;]
- 259 [(d) a public playground; or]
- 260 [(e) a public park.]
- 261 [(24)] (25) "Community location governing authority" means:
- 262 (a) the governing body of the community location; or
- 263 (b) if the commission does not know who is the governing body of a community
- 264 location, a person who appears to the commission to have been given on behalf of the
- 265 community location the authority to prohibit an activity at the community location.

266 ~~[(25)]~~ (26) "Container" means a receptacle that contains an alcoholic product, including:
267 (a) a bottle;
268 (b) a vessel; or
269 (c) a similar item.

270 ~~[(26)]~~ (27) "Controlled group of manufacturers" means as the commission defines by rule
271 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

272 ~~[(27)]~~ (28) "Convention center" means a facility that is:
273 (a) in total at least 30,000 square feet; and
274 (b) otherwise defined as a "convention center" by the commission by rule.

275 ~~[(28)]~~ (29)(a) "Counter" means a surface or structure in a dining area of a licensed
276 premises where seating is provided to a patron for service of food.
277 (b) "Counter" does not include a dispensing structure.

278 ~~[(29)]~~ (30) "Crime involving moral turpitude" is as defined by the commission by rule.

279 ~~[(30)]~~ (31) "Department" means the Department of Alcoholic Beverage Services created in
280 Section 32B-2-203.

281 ~~[(31)]~~ (32) "Department compliance officer" means an individual who is:
282 (a) an auditor or inspector; and
283 (b) employed by the department.

284 ~~[(32)]~~ (33) "Department sample" means liquor that is placed in the possession of the
285 department for testing, analysis, and sampling.

286 ~~[(33)]~~ (34) "Dining club license" means a license issued in accordance with Chapter 5,
287 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated
288 by the commission as a dining club license.

289 ~~[(34)]~~ (35) "Director," unless the context requires otherwise, means the director of the
290 department.

291 ~~[(35)]~~ (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
292 title:
293 (a) against a person subject to administrative action; and
294 (b) that is brought on the basis of a violation of this title.

295 ~~[(36)]~~ (37)(a) Subject to Subsection ~~[(36)(b)]~~ (37)(b), "dispense" means:
296 (i) drawing an alcoholic product; and
297 (ii) using the alcoholic product at the location from which it was drawn to mix or
298 prepare an alcoholic product to be furnished to a patron of the retail licensee.
299 (b) The definition of "dispense" in this Subsection ~~[(36)]~~ (37) applies only to:

- 300 (i) a full-service restaurant license;
- 301 (ii) a limited-service restaurant license;
- 302 (iii) a reception center license;
- 303 (iv) a beer-only restaurant license;
- 304 (v) a bar license;
- 305 (vi) an on-premise beer retailer;
- 306 (vii) an airport lounge license;
- 307 (viii) an on-premise banquet license; and
- 308 (ix) a hospitality amenity license.
- 309 ~~[(37)]~~ (38) "Dispensing structure" means a surface or structure on a licensed premises:
- 310 (a) where an alcoholic product is dispensed; or
- 311 (b) from which an alcoholic product is served.
- 312 ~~[(38)]~~ (39) "Distillery manufacturing license" means a license issued in accordance with
- 313 Chapter 11, Part 4, Distillery Manufacturing License.
- 314 ~~[(39)]~~ (40) "Distressed merchandise" means an alcoholic product in the possession of the
- 315 department that is saleable, but for some reason is unappealing to the public.
- 316 ~~[(40)]~~ (41) "Domestic airport" means an airport that:
- 317 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 318 (b) receives scheduled commercial passenger aircraft service; and
- 319 (c) is not an international airport.
- 320 ~~[(41)]~~ (42) "Equity license" means a license issued in accordance with Chapter 5, Retail
- 321 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 322 commission as an equity license.
- 323 ~~[(42)]~~ (43) "Event permit" means:
- 324 (a) a single event permit; or
- 325 (b) a temporary beer event permit.
- 326 ~~[(43)]~~ (44) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 327 considered in determining the total number of retail licenses that the commission may
- 328 issue at any time.
- 329 ~~[(44)]~~ (45)(a) "Flavored malt beverage" means a beverage:
- 330 (i) that contains at least .5% alcohol by volume;
- 331 (ii) for which the producer is required to file a formula for approval with the federal
- 332 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
- 333 the beverage is treated by processing, filtration, or another method of manufacture

- 334 that is not generally recognized as a traditional process in the production of a beer,
335 ale, porter, stout, lager, or malt liquor; and
- 336 (iii) for which the producer is required to file a formula for approval with the federal
337 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
338 the beverage includes an ingredient containing alcohol.
- 339 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
340 ethanol-based flavoring agent that contributes to the overall alcohol content of the
341 beverage.
- 342 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 343 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 344 [(45)] (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail
345 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
346 commission as a fraternal license.
- 347 [(46)] (47) "Full-service restaurant license" means a license issued in accordance with
348 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 349 [(47)] (48)(a) "Furnish" means by any means to provide with, supply, or give an
350 individual an alcoholic product, by sale or otherwise.
- 351 (b) "Furnish" includes to:
- 352 (i) serve;
- 353 (ii) deliver; or
- 354 (iii) otherwise make available.
- 355 [(48)] (49) "Guest" means an individual who meets the requirements of Subsection
356 32B-6-407(9).
- 357 [(49)] (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 358 [(50)] (51) "Health care practitioner" means:
- 359 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 360 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 361 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 362 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
363 Act;
- 364 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
365 Nurse Practice Act;
- 366 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
367 Practice Act;

- (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act;
- (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;
- (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; and
- (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.

[(51)] (52)(a) "Heavy beer" means a product that:

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

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

(c) "Heavy beer" does not include:

- (i) a flavored malt beverage;
- (ii) a product that contains alcohol derived from:
 - (A) except as provided in Subsections [(51)(a)(i)(B)] (52)(a)(i)(B) and [(51)(b)] (52)(b), spirituous liquor; or
 - (B) wine; or
- (iii) a product that contains an additive masking or altering a physiological effect of

402 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
403 tetrahydrocannabinol.

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

405 [(52)] (53) "Hospitality amenity license" means a license issued in accordance with Chapter
406 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

407 [(53)] (54)(a) "Hotel" means a commercial lodging establishment that:

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

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

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

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

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

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

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

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

423 [(54)] (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail
424 License Act, and Chapter 8b, Hotel License Act.

425 [(55)] (56) "Identification card" means an identification card issued under Title 53, Chapter
426 3, Part 8, Identification Card Act.

427 [(56)] (57) "Industry representative" means an individual who is compensated by salary,
428 commission, or other means for representing and selling an alcoholic product of a
429 manufacturer, supplier, or importer of liquor.

430 [(57)] (58) "Industry representative sample" means liquor that is placed in the possession of
431 the department for testing, analysis, and sampling by a local industry representative on
432 the premises of the department to educate the local industry representative of the quality
433 and characteristics of the product.

434 [(58)] (59)(a) "Interdicted person" means a person to whom the sale, offer for sale, or
435 furnishing of an alcoholic product is prohibited by:

436 ~~[(a)]~~ (i) law; or
437 ~~[(b)]~~ (ii) court order.

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

441 ~~[(59)]~~ (60) "International airport" means an airport:
442 (a) with a United States Customs and Border Protection office on the premises of the
443 airport; and
444 (b) at which international flights may enter and depart.

445 ~~[(60)]~~ (61) "Intoxicated" or "intoxication" means that
446 an individual exhibits plain and easily observable outward manifestations of behavior or
447 physical signs produced by or as a result of the use of:
448 (a) an alcoholic product;
449 (b) a controlled substance;
450 (c) a substance having the property of releasing toxic vapors; or
451 (d) a combination of products or substances described in Subsections ~~[(60)(a)]~~ (61)(a)
452 through (c).

453 ~~[(61)]~~ (62) "Investigator" means an individual who is:
454 (a) a department compliance officer; or
455 (b) a nondepartment enforcement officer.

456 ~~[(62)]~~ (63) "License" means:
457 (a) a retail license;
458 (b) a sublicense;
459 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
460 License;
461 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
462 Act;
463 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
464 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
465 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

466 ~~[(63)]~~ (64) "Licensee" means a person who holds a license.

467 ~~[(64)]~~ (65) "Limited-service restaurant license" means a license issued in accordance with
468 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant
469 License.

- 470 ~~[(65)]~~ (66) "Limousine" means a motor vehicle licensed by the state or a local authority,
471 other than a bus or taxicab:
- 472 (a) in which the driver and a passenger are separated by a partition, glass, or other
473 barrier;
- 474 (b) that is provided by a business entity to one or more individuals at a fixed charge in
475 accordance with the business entity's tariff; and
- 476 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
477 travel to one or more specified destinations.
- 478 ~~[(66)]~~ (67)(a)(i) "Liquor" means a liquid that:
- 479 (A) is:
- 480 (I) alcohol;
- 481 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 482 (III) a combination of liquids a part of which is spirituous, vinous, or
483 fermented; or
- 484 (IV) other drink or drinkable liquid; and
- 485 (B)(I) contains at least .5% alcohol by volume; and
- 486 (II) is suitable to use for beverage purposes.
- 487 (ii) "Liquor" includes:
- 488 (A) heavy beer;
- 489 (B) wine; and
- 490 (C) a flavored malt beverage.
- 491 (b) "Liquor" does not include beer.
- 492 ~~[(67)]~~ (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 493 ~~[(68)]~~ (69) "Liquor transport license" means a license issued in accordance with Chapter 17,
494 Liquor Transport License Act.
- 495 ~~[(69)]~~ (70) "Liquor warehousing license" means a license that is issued:
- 496 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 497 (b) to a person, other than a licensed manufacturer, who engages in the importation for
498 storage, sale, or distribution of liquor regardless of amount.
- 499 ~~[(70)]~~ (71) "Local authority" means:
- 500 (a) for premises that are located in an unincorporated area of a county, the governing
501 body of a county;
- 502 (b) for premises that are located in an incorporated city or town, the governing body of
503 the city or town; or

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

~~[(71)]~~ (72) "Lounge or bar area" is as defined by rule made by the commission.

~~[(72)]~~ (73) "Malt substitute" means:

- (a) rice;
- (b) grain;
- (c) bran;
- (d) glucose;
- (e) sugar; or
- (f) molasses.

~~[(73)]~~ (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

~~[(74)]~~ (75) "Member" means an individual who, after paying regular dues, has full privileges in an equity licensee or fraternal licensee.

~~[(75)]~~ (76)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility for a ship:

- (i)(A) under the control of the United States Department of Defense; or
- (B) of the National Guard;
- (ii) that is located within the state; and
- (iii) including a leased facility.

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

- (i) civil works;
- (ii) a rivers and harbors project; or
- (iii) a flood control project.

~~[(76)]~~ (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products are kept and offered for self-service sale or consumption.

~~[(77)]~~ (78) "Minor" means an individual under 21 years old.

~~[(78)]~~ (79) "Nondepartment enforcement agency" means an agency that:

- (a)(i) is a state agency other than the department; or
- (ii) is an agency of a county, city, or town; and
- (b) has a responsibility to enforce one or more provisions of this title.

- 538 ~~[(79)]~~ (80) "Nondepartment enforcement officer" means an individual who is:
- 539 (a) a peace officer, examiner, or investigator; and
- 540 (b) employed by a nondepartment enforcement agency.
- 541 ~~[(80)]~~ (81)(a) "Off-premise beer retailer" means a beer retailer who is:
- 542 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- 543 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
- 544 premises.
- 545 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 546 ~~[(81)]~~ (82) "Off-premise beer retailer state license" means a state license issued in
- 547 accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 548 ~~[(82)]~~ (83) "On-premise banquet license" means a license issued in accordance with Chapter
- 549 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 550 ~~[(83)]~~ (84) "On-premise beer retailer" means a beer retailer who is:
- 551 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
- 552 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
- 553 License; and
- 554 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
- 555 premises:
- 556 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
- 557 premises; and
- 558 (ii) on and after March 1, 2012, operating:
- 559 (A) as a tavern; or
- 560 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 561 ~~[(84)]~~ (85) "Opaque" means impenetrable to sight.
- 562 ~~[(85)]~~ (86) "Package agency" means a retail liquor location operated:
- 563 (a) under an agreement with the department; and
- 564 (b) by a person:
- 565 (i) other than the state; and
- 566 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
- 567 Package Agency, to sell packaged liquor for consumption off the premises of the
- 568 package agency.
- 569 ~~[(86)]~~ (87) "Package agent" means a person who holds a package agency.
- 570 ~~[(87)]~~ (88) "Patron" means an individual to whom food, beverages, or services are sold,
- 571 offered for sale, or furnished, or who consumes an alcoholic product including:

- 572 (a) a customer;
- 573 (b) a member;
- 574 (c) a guest;
- 575 (d) an attendee of a banquet or event;
- 576 (e) an individual who receives room service;
- 577 (f) a resident of a resort; or
- 578 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
- 579 license.

580 [(88)] (89)(a) "Performing arts facility" means a multi-use performance space that:

- 581 (i) is primarily used to present various types of performing arts, including dance,
- 582 music, and theater;
- 583 (ii) contains over 2,500 seats;
- 584 (iii) is owned and operated by a governmental entity; and
- 585 (iv) is located in a city of the first class.

586 (b) "Performing arts facility" does not include a space that is used to present sporting

587 events or sporting competitions.

588 [(89)] (90) "Permittee" means a person issued a permit under:

- 589 (a) Chapter 9, Event Permit Act; or
- 590 (b) Chapter 10, Special Use Permit Act.

591 [(90)] (91) "Person subject to administrative action" means:

- 592 (a) a licensee;
- 593 (b) a permittee;
- 594 (c) a manufacturer;
- 595 (d) a supplier;
- 596 (e) an importer;
- 597 (f) one of the following holding a certificate of approval:
 - 598 (i) an out-of-state brewer;
 - 599 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
 - 600 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 601 (g) staff of:
 - 602 (i) a person listed in Subsections [(90)(a)] (91)(a) through (f); or
 - 603 (ii) a package agent.

604 [(91)] (92) "Premises" means a building, enclosure, or room used in connection with the

605 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic

product, unless otherwise defined in this title or rules made by the commission.

~~[(92)]~~ (93) "Prescription" means an order issued by a health care practitioner when:

- (a) the health care practitioner is licensed under Title 58, Occupations and Professions, to prescribe a controlled substance, other drug, or device for medicinal purposes;
- (b) the order is made in the course of that health care practitioner's professional practice; and
- (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

~~[(93)]~~ (94)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.

(b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.

~~[(94)]~~ (95) "Principal license" means:

- (a) a resort license;
- (b) a hotel license; or
- (c) an arena license.

~~[(95)]~~ (96)(a) "Private event" means a specific social, business, or recreational event:

- (i) for which an entire room, area, or hall is leased or rented in advance by an identified group; and
 - (ii) that is limited in attendance to people who are specifically designated and their guests.
- (b) "Private event" does not include an event to which the general public is invited, whether for an admission fee or not.

~~[(96)]~~ (97) "Privately sponsored event" means a specific social, business, or recreational event:

- (a) that is held in or on the premises of an on-premise banquet licensee; and
- (b) to which entry is restricted by an admission fee.

~~[(97)]~~ (98)(a) "Proof of age" means:

- (i) an identification card;
- (ii) an identification that:
 - (A) is substantially similar to an identification card;
 - (B) is issued in accordance with the laws of a state other than Utah in which the identification is issued;
 - (C) includes date of birth; and
 - (D) has a picture affixed;
- (iii) a valid driver license certificate that:
 - (A) includes date of birth;

- 640 (B) has a picture affixed; and
- 641 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in
- 642 accordance with the laws of the state in which it is issued, or in accordance with
- 643 federal law by the United States Department of State;
- 644 (iv) a military identification card that:
- 645 (A) includes date of birth; and
- 646 (B) has a picture affixed; or
- 647 (v) a valid passport.
- 648 (b) "Proof of age" does not include a driving privilege card issued in accordance with
- 649 Section 53-3-207.
- 650 ~~[(98)]~~ (99) "Provisions applicable to a sublicense" means:
- 651 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
- 652 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 653 (b) for a limited-service restaurant sublicense, the provisions applicable to a
- 654 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
- 655 License;
- 656 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
- 657 license under Chapter 6, Part 4, Bar Establishment License;
- 658 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
- 659 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 660 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
- 661 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 662 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
- 663 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 664 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
- 665 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 666 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
- 667 Part 2, Resort Spa Sublicense.
- 668 ~~[(99)]~~ (100)(a) "Public building" means a building or permanent structure that is:
- 669 (i) owned or leased by:
- 670 (A) the state; or
- 671 (B) a local government entity; and
- 672 (ii) used for:
- 673 (A) public education;

674 (B) transacting public business; or
675 (C) regularly conducting government activities.

676 (b) "Public building" does not include a building owned by the state or a local
677 government entity when the building is used by a person, in whole or in part, for a
678 proprietary function.

679 ~~[(100)]~~ (101) "Public conveyance" means a conveyance that the public or a portion of the
680 public has access to and a right to use for transportation, including an airline, railroad,
681 bus, boat, or other public conveyance.

682 ~~[(101)]~~ (102) "Reception center" means a business that:
683 (a) operates facilities that are at least 5,000 square feet; and
684 (b) has as its primary purpose the leasing of the facilities described in Subsection [
685 ~~(101)(a)]~~ (102)(a) to a third party for the third party's event.

686 ~~[(102)]~~ (103) "Reception center license" means a license issued in accordance with Chapter
687 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.

688 ~~[(103)]~~ (104)(a) "Record" means information that is:
689 (i) inscribed on a tangible medium; or
690 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

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

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

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

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

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

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

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

- 708 (a) over-serving alcoholic beverages to customers;
- 709 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
- 710 intoxicated; and
- 711 (c) serving alcoholic beverages to minors.
- 712 ~~[(H10)]~~ (111) "Restaurant" means a business location:
- 713 (a) at which a variety of foods are prepared;
- 714 (b) at which complete meals are served; and
- 715 (c) that is engaged primarily in serving meals.
- 716 ~~[(H11)]~~ (112) "Restaurant license" means one of the following licenses issued under this title:
- 717 (a) a full-service restaurant license;
- 718 (b) a limited-service restaurant license; or
- 719 (c) a beer-only restaurant license.
- 720 ~~[(H12)]~~ (113) "Restaurant venue" means a room within a restaurant that:
- 721 (a) is located on the licensed premises of a restaurant licensee;
- 722 (b) is separated from the area within the restaurant for a patron's consumption of food by
- 723 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
- 724 visible to a patron in the area within the restaurant for a patron's consumption of
- 725 food; and
- 726 (c)(i) has at least 1,000 square feet that:
- 727 (A) may be reserved for a banquet; and
- 728 (B) accommodates at least 75 individuals; or
- 729 (ii) if the restaurant is located in a small or unincorporated locality, has an
- 730 appropriate amount of space, as determined by the commission, that may be
- 731 reserved for a banquet.
- 732 ~~[(H13)]~~ (114) "Retail license" means one of the following licenses issued under this title:
- 733 (a) a full-service restaurant license;
- 734 (b) a master full-service restaurant license;
- 735 (c) a limited-service restaurant license;
- 736 (d) a master limited-service restaurant license;
- 737 (e) a bar establishment license;
- 738 (f) an airport lounge license;
- 739 (g) an on-premise banquet license;
- 740 (h) an on-premise beer license;
- 741 (i) a reception center license;

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

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

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

- 844 ~~[(130)]~~ (131) "State of seminudity" means a state of dress in which opaque clothing covers
845 no more than:
- 846 (a) the nipple and areola of the female human breast in a shape and color other than the
847 natural shape and color of the nipple and areola; and
- 848 (b) the human genitals, pubic area, and anus:
- 849 (i) with no less than the following at its widest point:
- 850 (A) four inches coverage width in the front of the human body; and
- 851 (B) five inches coverage width in the back of the human body; and
- 852 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 853 ~~[(131)]~~ (132)(a) "State store" means a facility for the sale of packaged liquor:
- 854 (i) located on premises owned or leased by the state; and
- 855 (ii) operated by a state employee.
- 856 (b) "State store" does not include:
- 857 (i) a package agency;
- 858 (ii) a licensee; or
- 859 (iii) a permittee.
- 860 ~~[(132)]~~ (133)(a) "Storage area" means an area on licensed premises where the licensee
861 stores an alcoholic product.
- 862 (b) "Store" means to place or maintain in a location an alcoholic product.
- 863 ~~[(133)]~~ (134) "Sublicense" means:
- 864 (a) any of the following licenses issued as a subordinate license to, and contingent on the
865 issuance of, a principal license:
- 866 (i) a full-service restaurant license;
- 867 (ii) a limited-service restaurant license;
- 868 (iii) a bar establishment license;
- 869 (iv) an on-premise banquet license;
- 870 (v) an on-premise beer retailer license;
- 871 (vi) a beer-only restaurant license; or
- 872 (vii) a hospitality amenity license; or
- 873 (b) a spa sublicense.
- 874 ~~[(134)]~~ (135) "Supplier" means a person who sells an alcoholic product to the department.
- 875 ~~[(135)]~~ (136) "Tavern" means an on-premise beer retailer who is:
- 876 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
877 and Chapter 6, Part 7, On-Premise Beer Retailer License; and

878 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
879 On-Premise Beer Retailer License.

880 ~~[(136)]~~ (137) "Temporary beer event permit" means a permit issued in accordance with
881 Chapter 9, Part 4, Temporary Beer Event Permit.

882 ~~[(137)]~~ (138) "Temporary domicile" means the principal place of abode within Utah of a
883 person who does not have a present intention to continue residency within Utah
884 permanently or indefinitely.

885 ~~[(138)]~~ (139) "Translucent" means a substance that allows light to pass through, but does not
886 allow an object or person to be seen through the substance.

887 ~~[(139)]~~ (140) "Unsaleable liquor merchandise" means a container that:
888 (a) is unsaleable because the container is:
889 (i) unlabeled;
890 (ii) leaky;
891 (iii) damaged;
892 (iv) difficult to open; or
893 (v) partly filled;
894 (b)(i) has faded labels or defective caps or corks;
895 (ii) has contents that are:
896 (A) cloudy;
897 (B) spoiled; or
898 (C) chemically determined to be impure; or
899 (iii) contains:
900 (A) sediment; or
901 (B) a foreign substance; or
902 (c) is otherwise considered by the department as unfit for sale.

903 ~~[(140)]~~ (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the
904 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether
905 or not another ingredient is added.

906 (b) "Wine" includes:
907 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
908 Sec. 4.10; and
909 (ii) hard cider.

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

- 912 [(141)] (142) "Winery manufacturing license" means a license issued in accordance with
913 Chapter 11, Part 3, Winery Manufacturing License.
- 914 Section 2. Section **32B-1-202** is amended to read:
- 915 **32B-1-202 . Proximity to community location.**
- 916 (1) As used in this section:
- 917 (a) "Alcohol overlay district" means a contiguous 36 acres of land within the boundaries
918 of the point of the mountain state land.
- 919 [(a)] (b) "Designated project area zone" means the area that is:
- 920 (i) bounded by:
- 921 (A) South Temple Street;
- 922 (B) 100 South Street;
- 923 (C) West Temple Street; and
- 924 (D) 400 West Street; and
- 925 (ii) within a project area as defined in Section 63N-3-1401.
- 926 [(b)] (c)(i) "Outlet" means:
- 927 (A) a state store;
- 928 (B) a package agency; or
- 929 (C) a retail licensee.
- 930 (ii) "Outlet" does not include:
- 931 (A) an airport lounge licensee; or
- 932 (B) a restaurant.
- 933 (d) "Point of the mountain state land" means the same as that term is defined in Section
934 11-59-102.
- 935 [(e)] (e) "Restaurant" means:
- 936 (i) a full-service restaurant licensee;
- 937 (ii) a limited-service restaurant licensee;
- 938 (iii) a beer-only restaurant licensee; or
- 939 (iv) a restaurant venue on-premise banquet licensee.
- 940 (2)(a) Except as otherwise provided in this section or Section 32B-1-202.1, the
941 commission may not issue a license for an outlet if, on the date the commission takes
942 final action to approve or deny the application, there is a community location:
- 943 (i) within 600 feet of the proposed outlet, as measured from the nearest patron
944 entrance of the proposed outlet by following the shortest route of ordinary
945 pedestrian travel to the property boundary of the community location; or

(ii) within 200 feet of the proposed outlet, measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community location.

(b) Except as otherwise provided in this section or Section 32B-1-202.1, the commission may not issue a license for a restaurant if, on the date the commission takes final action to approve or deny the application, there is a community location:

(i) within 300 feet of the proposed restaurant, as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or

(ii) within 200 feet of the proposed restaurant, measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.

(c) Except as otherwise provided in this section or Section 32B-1-202.1, the commission may not issue a license for an outlet or a restaurant if a local authority does not include in the written consent of the local authority an acknowledgment and authorization of the outlet's or the restaurant's proximity to:

(i) a public playground; or

(ii) a public park.

(d) A local authority, when acknowledging and authorizing an outlet's or restaurant's proximity in the written consent of the local authority, may not refuse to acknowledge and authorize an outlet or restaurant within the same distance from a park or playground consistently.

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

(i) the outlet or restaurant changes ownership;

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

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

(b) An outlet or a restaurant that has continuously operated at a location since before

January 1, 2007, is considered to have a previously approved variance.

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

(a) the outlet or restaurant changes ownership;

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

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

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

(i) the outlet or restaurant changes ownership;

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

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

(b) The provisions of this Subsection (5) apply regardless of when the outlet's or restaurant's license is issued.

(6) The proximity requirements described in Subsection (2) do not apply if the proposed outlet or proposed restaurant and the community location are located within the boundaries of a designated project area zone or an alcohol overlay district.

(7) Nothing in this section prevents the commission from considering the proximity of an educational, religious, and recreational facility, or any other relevant factor in reaching a decision on a proposed location of an outlet.

Section 3. Section **32B-1-407** is amended to read:

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

- 1014 (1) As used in this section, "applicable licensee" means:
- 1015 (a) a dining club;
- 1016 (b) a bar;
- 1017 (c) a tavern;
- 1018 (d) a full-service restaurant;
- 1019 (e) a limited-service restaurant; or
- 1020 (f) a beer-only restaurant.
- 1021 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
- 1022 that an authorized person for the applicable licensee verify proof of age as provided in
- 1023 this section.
- 1024 (3) An authorized person is required to verify proof of age under this section before an
- 1025 individual~~[-who appears to be 35 years of age or younger]:~~
- 1026 (a) gains admittance to the premises of a bar licensee or tavern;
- 1027 (b) procures an alcoholic product on the premises of a dining club licensee; or
- 1028 (c) procures an alcoholic product in a dispensing area in the premises of a full-service
- 1029 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant
- 1030 licensee.
- 1031 (4) To comply with Subsection (3), an authorized person shall:
- 1032 (a) request the individual present proof of age; and
- 1033 (b)(i) verify the validity of the proof of age electronically under the verification
- 1034 program created in Subsection (5); or
- 1035 (ii) if the proof of age cannot be electronically verified as provided in Subsection
- 1036 (4)(b)(i), request that the individual comply with a process established by the
- 1037 commission by rule.
- 1038 (5)~~(a)~~ The commission shall establish by rule an electronic verification program that
- 1039 includes the following:
- 1040 ~~[(a)]~~ (i) the specifications for the technology used by the applicable licensee to
- 1041 electronically verify proof of age, including that the technology display to the
- 1042 person described in Subsection (2) no more than the following for the individual
- 1043 who presents the proof of age:
- 1044 ~~[(i)]~~ (A) the name;
- 1045 ~~[(ii)]~~ (B) the age;
- 1046 ~~[(iii)]~~ (C) the number assigned to the individual's proof of age by the issuing
- 1047 authority;

1048 ~~[(iv)]~~ (D) the birth date;
1049 ~~[(v)]~~ (E) the gender; and
1050 ~~[(vi)]~~ (F) the status and expiration date of the individual's proof of age; and
1051 ~~[(b)]~~ (ii) the security measures that shall be used by an applicable licensee to ensure
1052 that information obtained under this section is:
1053 ~~[(i)]~~ (A) used by the applicable licensee only for purposes of verifying proof of age
1054 in accordance with this section; and
1055 ~~[(ii)]~~ (B) retained by the applicable licensee for seven days after the day on which
1056 the applicable licensee obtains the information.

1057 (b) The commission shall ensure that the electronic verification program described in
1058 Subsection (5)(a) includes technology that recognizes every state's unique hidden
1059 security features located on state issued identification cards to determine the validity
1060 of that particular card.

1061 (6)(a) An applicable licensee may not disclose information obtained under this section
1062 except as provided under this title.

1063 (b) Information obtained under this section is considered a record for any purpose under
1064 Chapter 5, Part 3, Retail Licensee Operational Requirements.

1065 Section 4. Section **32B-1-603.5** is amended to read:

1066 **32B-1-603.5 . Requirements for beer flavorings -- Procedure for approval --**
1067 **Department review.**

1068 (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or
1069 ethanol-based flavoring agent as described in Subsection ~~[32B-1-102(11)(b)(iii)]~~
1070 32B-1-102(12)(b)(iii) may not sell or distribute the beer in the state unless the
1071 manufacturer obtains:

1072 (a) the department's approval to sell or distribute the beer under this section; and

1073 (b) the department's approval of the label and packaging of the beer under Sections
1074 32B-1-604 through 32B-1-606.

1075 (2)(a) To obtain approval to sell or distribute a beer that contains a propylene glycol-,
1076 ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection [
1077 ~~32B-1-102(11)(b)(iii)]~~ 32B-1-102(12)(b)(iii), the manufacturer of the beer shall
1078 submit an application to the department for approval.

1079 (b) The application shall require:

1080 (i) a copy of:

1081 (A) the statement of process and formula filed with the federal Alcohol and

- 1082 Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 for the beer; and
1083 (B) the formula approval from the federal Alcohol and Tobacco Tax and Trade
1084 Bureau for the beer;
- 1085 (ii) a complete list of each propylene glycol-, ethyl alcohol-, or ethanol-based
1086 flavoring agent in the beer;
- 1087 (iii) a description of the total amount of alcohol each propylene glycol-, ethyl
1088 alcohol-, or ethanol-based flavoring agent contributes to the beer; and
- 1089 (iv) other information required by the department to determine whether the beer
1090 complies with Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 1091 (3) The department may:
- 1092 (a) assess a fee established under Section 63J-1-504 for reviewing an application for
1093 approval under this section; and
- 1094 (b) approve a manufacturer's application to sell or distribute a beer that contains a
1095 propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent after determining
1096 that the beer complies with Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 1097 (4) If a manufacturer of a beer revises the formula for the beer that the department approved
1098 for sale or distribution, the manufacturer shall obtain the department's approval for the
1099 revised formula before selling or distributing the beer.
- 1100 (5)(a) The department may revoke a previous approval under this section upon
1101 determining that the beer is not in compliance with this title or the rules of the
1102 commission.
- 1103 (b) The department shall notify the manufacturer that applied for an approval under this
1104 section at least 30 business days before the day on which the approval is revoked.
- 1105 (c) Within 20 business days after the day on which a manufacturer receives the notice
1106 under Subsection (5)(b), the manufacturer may present a written argument or
1107 evidence to the department regarding why the revocation should not occur.
- 1108 (6)(a) A manufacturer that applies for approval under this section may appeal a denial or
1109 revocation of the approval to the commission.
- 1110 (b) During the period in which a manufacturer appeals a denial or revocation to the
1111 commission under Subsection (6)(a), the denial or revocation remains in force.
- 1112 Section 5. Section **32B-1-607** is amended to read:
- 1113 **32B-1-607 . Rulemaking authority.**
- 1114 (1) The commission may adopt rules necessary to implement this part.
- 1115 (2) Notwithstanding Subsections [~~32B-1-102(12)~~] 32B-1-102(13) and [~~(51)~~] (52), in

accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules that allow for a tolerance in the alcohol content of beer or heavy beer as follows:

- (a) up to 0.18% above or below when measured by volume; or
- (b) up to 0.15% above or below when measured by weight.

Section 6. Section **32B-1-704** is amended to read:

32B-1-704 . Department training programs.

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

- (a) a training program for retail managers that addresses:
 - (i) the statutes and rules that govern alcohol sales and consumption in the state;
 - (ii) the requirements for operating as a retail licensee;
 - (iii) using compliance assistance from the department; and
 - (iv) any other topic the department determines beneficial to a retail manager; and
- (b) a training program for an individual employed by a retail licensee or an off-premise beer retailer who violates a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor, that addresses:
 - (i) the statutes and rules that govern the most common types of violations under this title;
 - (ii) how to avoid common violations; and
 - (iii) any other topic the department determines beneficial to the training program.

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

- (a) the statutes and rules that govern sales at an off-premise beer retailer;
- (b) the requirements for operating an off-premise beer retailer;
- (c) using compliance assistance from the department; and
- (d) any other topic the department determines beneficial to an off-premise retail manager.

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

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

- 1150 (a) the requirements for each training program described in this section;
- 1151 (b) measures that accurately identify each individual who takes and completes a training
- 1152 program;
- 1153 (c) measures that ensure an individual taking a training program is focused and actively
- 1154 engaged in the training material throughout the training program;
- 1155 (d) a record that certifies that an individual has completed a training program; and
- 1156 (e) a fee for participation in a training program to cover the department's cost of
- 1157 providing the training program.

1158 ~~[(4)]~~ (5)(a) Each retail manager shall complete the training described in Subsection (1)(a)

1159 no later than the later of:

- 1160 (i) 30 days after the day on which the retail manager is hired; or
- 1161 (ii) the day on which the retail licensee obtains a retail license.
- 1162 (b) Each off-premise retail manager shall complete the training described in Subsection
- 1163 (2) no later than the later of:
- 1164 (i) 30 days after the day on which the off-premise retail manager is hired; or
- 1165 (ii) 30 days after the day on which the off-premise beer retailer obtains an
- 1166 off-premise beer retailer state license.

- 1167 (c)(i) If the commission finds that a retail licensee violated a provision of this title
- 1168 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
- 1169 individual or a minor for a second time within 36 consecutive months after the day
- 1170 on which the first violation was adjudicated, the violator, all retail staff, and each
- 1171 retail manager shall complete the training program described in Subsection (1)(b).
- 1172 (ii) If the commission finds that an off-premise beer retailer violated a provision of
- 1173 this title related to the sale, service, or furnishing of an alcoholic beverage to an
- 1174 intoxicated individual or a minor for a second time within 36 consecutive months
- 1175 after the day on which the first violation was adjudicated, the violator and each
- 1176 off-premise retail manager shall complete the training program described in
- 1177 Subsection (1)(b).

1178 ~~[(5)]~~ (6) If an individual fails to complete a required training program under this section:

- 1179 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
- 1180 beer retailer state license;
- 1181 (b) a city, town, or county in which the retail licensee or off-premise beer retailer is
- 1182 located may suspend, revoke, or not renew the retail licensee's or off-premise beer
- 1183 retailer's business license; or

1184 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
1185 license.

1186 Section 7. Section **32B-2-304** is amended to read:

1187 **32B-2-304 . Liquor price -- Remittance of markup -- School lunch program --**
1188 **Remittance of markup.**

1189 (1) For purposes of this section:

1190 (a)(i) "Landed case cost" means the sum of:

1191 (A) the cost of the product;

1192 (B) inbound shipping costs the department incurs; and

1193 (C) case handling costs the department incurs.

1194 (ii) "Landed case cost" does not include the outbound shipping cost from a
1195 warehouse of the department to a state store.

1196 (b) "Proof gallon" means the same as that term is defined in 26 U.S.C. Sec. 5002.

1197 (2) Except as provided in Subsections (3) and (4):

1198 (a) spirituous liquor sold by the department within the state shall be marked up in an
1199 amount not less than [~~88.5%~~] 88.85% above the landed case cost to the department;

1200 (b) wine sold by the department within the state shall be marked up in an amount not
1201 less than [~~88.5%~~] 88.85% above the landed case cost to the department;

1202 (c) heavy beer sold by the department within the state shall be marked up in an amount
1203 not less than 66.5% above the landed case cost to the department; and

1204 (d) a flavored malt beverage sold by the department within the state shall be marked up
1205 in an amount not less than 88.5% above the landed case cost to the department.

1206 (3)(a) Liquor sold by the department to a military installation in Utah shall be marked up
1207 in an amount not less than 17% above the landed case cost to the department.

1208 (b) Except for spirituous liquor sold by the department to a military installation in Utah,
1209 spirituous liquor that is sold by the department within the state shall be marked up
1210 49% above the landed case cost to the department if:

1211 (i) the spirituous liquor is manufactured by a manufacturer producing less than
1212 30,000 proof gallons of spirituous liquor in a calendar year; and

1213 (ii) the manufacturer applies to the department for a reduced markup.

1214 (c) Except for wine sold by the department to a military installation in Utah, wine that is
1215 sold by the department within the state shall be marked up 49% above the landed
1216 case cost to the department if:

1217 (i)(A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a

- 1218 manufacturer producing less than 20,000 gallons of wine in a calendar year; or
1219 (B) for hard cider, the hard cider is manufactured by a manufacturer producing
1220 less than 620,000 gallons of hard cider in a calendar year; and
1221 (ii) the manufacturer applies to the department for a reduced markup.
- 1222 (d) Except for heavy beer sold by the department to a military installation in Utah, heavy
1223 beer that is sold by the department within the state shall be marked up 32% above the
1224 landed case cost to the department if:
1225 (i) a small brewer manufactures the heavy beer; and
1226 (ii) the small brewer applies to the department for a reduced markup.
- 1227 (e) The department shall:
1228 (i) for purposes of Subsections (3)(b) and (c), calculate the production amount of a
1229 manufacturer:
1230 (A) by, if the manufacturer is part of a controlled group of manufacturers,
1231 including the combined volume totals of spirituous liquor, wine, or cider, as
1232 applicable, for all manufacturers that constitute the controlled group of
1233 manufacturers; and
1234 (B) without considering the manufacturer's production of any other type of
1235 alcoholic product; and
1236 (ii) verify that a manufacturer meets a production amount described in Subsection
1237 (3)(b) or (c) and the production amount of a small brewer under a federal or other
1238 verifiable production report.
- 1239 (f) A manufacturer seeking to obtain a reduced markup under Subsection (3)(b), (c), or
1240 (d), shall provide to the department any documentation or information the department
1241 determines necessary to determine if the manufacturer is part of a controlled group of
1242 manufacturers.
- 1243 (g) The department may, at any time, revoke a reduced markup granted to a
1244 manufacturer under Subsection (3)(b), (c), or (d), if the department determines the
1245 manufacturer no longer qualifies for the reduced markup.
- 1246 (4) Wine the department purchases on behalf of a subscriber through the wine subscription
1247 program established in Section 32B-2-702 shall be marked up not less than [88.5%]
1248 88.85% above the cost of the subscription for the interval in which the wine is purchased.
- 1249 (5) The department shall deposit 10% of the total gross revenue from sales of liquor with
1250 the state treasurer to be credited to the Uniform School Fund and used to support the
1251 school meals program administered by the State Board of Education under Section

53E-3-510.

(6)(a) Each month, the department shall collect from each package agency located at a manufacturing facility owned or operated by a person licensed under Chapter 11, Manufacturing and Related Licenses Act[.]; :

(i) [.]12.295% of the package agency's reported monthly revenue and deposit the money as follows:

[(i)] (A) 1.695% of the reported monthly revenue into the Alcoholic Beverage Control Act Enforcement Fund;

[(ii)] (B) 10% of the reported monthly revenue into the Uniform School Fund and used to support the school meals program administered by the State Board of Education under Section 53E-3-510; and

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

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

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

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

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

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

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

Section 8. Section **32B-4-405** is amended to read:

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

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

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

- 1286 ~~[(2)]~~ (3) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
1287 product to an interdicted person:
- 1288 (a) under an order of a health care practitioner who is authorized by law to write a
1289 prescription; or
- 1290 (b) administered by a hospital or health care practitioner authorized by law to administer
1291 the alcoholic product for medicinal purposes.
- 1292 Section 9. Section **32B-5-201** is amended to read:
- 1293 **32B-5-201 . Application requirements for retail license.**
- 1294 (1)(a) Before a person may store, sell, offer for sale, furnish, or permit consumption of
1295 an alcoholic product on licensed premises as a retail licensee, the person shall first
1296 obtain a retail license issued by the commission, notwithstanding whether the person
1297 holds a local license or a permit issued by a local authority.
- 1298 (b) Violation of this Subsection (1) is a class B misdemeanor.
- 1299 (2) To obtain a retail license under this title, a person shall submit to the department:
- 1300 (a) a written application in a form prescribed by the department;
- 1301 (b) a nonrefundable application fee in the amount specified in the relevant chapter or
1302 part for the type of retail license for which the person is applying;
- 1303 (c) an initial license fee:
- 1304 (i) in the amount specified in the relevant chapter or part for the type of retail license
1305 for which the person is applying; and
- 1306 (ii) that is refundable if a retail license is not issued;
- 1307 (d) written consent of the local authority, including, if applicable, consent for each
1308 proposed sublicense;
- 1309 (e) a copy of:
- 1310 (i) every license the local authority requires, including the person's current business
1311 license; and
- 1312 (ii) if the person is applying for a principal license, the current business license for
1313 each proposed sublicense, except if the local authority determines that the
1314 business license for a proposed sublicense is included in the person's current
1315 business license;
- 1316 (f) evidence of the proposed retail licensee's proximity to any community location, with
1317 proximity requirements being governed by Section 32B-1-202;
- 1318 (g) a bond as specified by Section 32B-5-204;
- 1319 (h) a floor plan, and boundary map where applicable, of the premises of the retail license

- 1320 and each, if any, accompanying sublicense, including any:
- 1321 (i) consumption area; and
- 1322 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
- 1323 beverage;
- 1324 (i) evidence that the retail licensee carries public liability insurance in an amount and
- 1325 form satisfactory to the department;
- 1326 (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
- 1327 (i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
- 1328 (ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per
- 1329 occurrence and \$2,000,000 in the aggregate to cover both the principal license and
- 1330 all accompanying sublicenses; or
- 1331 (iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and
- 1332 \$20,000,000 in the aggregate to cover both the arena license and all accompanying
- 1333 sublicenses;
- 1334 (k) a signed consent form stating that the retail licensee will permit any authorized
- 1335 representative of the commission, department, or any law enforcement officer to have
- 1336 unrestricted right to enter:
- 1337 (i) the premises of the retail licensee; and
- 1338 (ii) if applicable, the premises of each of the retail licensee's accompanying
- 1339 sublicenses;
- 1340 (l) if the person is an entity, proper verification evidencing that a person who signs the
- 1341 application is authorized to sign on behalf of the entity;
- 1342 (m) a responsible alcohol service plan;
- 1343 (n) evidence that each individual the person has hired to work as a retail manager, as
- 1344 defined in Section 32B-1-701, has completed the alcohol training and education
- 1345 seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and
- 1346 (o) any other information the commission or department may require.
- 1347 (3) The commission may not issue a retail license to a person who:
- 1348 (a) is disqualified under Section 32B-1-304; or
- 1349 (b) is not lawfully present in the United States.
- 1350 (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for
- 1351 which the person is applying, the commission may not issue a retail license to a person if
- 1352 the proposed licensed premises does not meet the proximity requirements of Section
- 1353 32B-1-202.

(5) [The] Subject to Subsection (6), the commission may not deny an application for a retail license, an application for a conditional retail license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense Act, if:

(a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail License Act; and

(b) for a retail license or a conditional retail license, granting the retail license or the conditional retail license would not cause the commission to exceed the maximum number of licenses of that retail license type that the commission is authorized to issue under this chapter.

(6)(a) The commission may deny an application for a retail license, an application for a conditional retail license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense Act, if the commission determines that the applicant's violation history warrants the denial.

(b) The commission, when making a determination under this Subsection (6), shall treat applicants with substantially similar violation histories consistently.

Section 10. Section **32B-5-304** is amended to read:

32B-5-304 . Portions in which alcoholic product may be sold.

(1)(a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title.

(b) A retail license is not required to dispense spirituous liquor through a calibrated metered dispensing system if the spirituous liquor is:

(i) a secondary flavoring ingredient;

(ii) used as a flavoring on a dessert;

(iii) used to set aflame a food dish, drink, or dessert;[-or]

(iv) in a beverage that:

(A) is served to a patron in the original, sealed container;

(B) is not more than 12 ounces;

(C) contains no more than 10% alcohol by volume or 8% by weight; and

(D) is in a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high[-] ; or

(v) in a beverage that:

(A) is served to a patron by pouring the beverage from the original sealed

- 1388 container, into a different container as required under Subsection
1389 32-8d-104(5)(b);
1390 (B) is not more than 12 ounces;
1391 (C) contains no more than 10% alcohol by volume or 8% by weight; and
1392 (D) originates from a container that has the alcohol by volume percentage on the
1393 front label and in a font that measures at least three millimeters high.
- 1394 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring
1395 ingredient shall:
- 1396 (i) designate a location where the retail licensee stores secondary flavoring
1397 ingredients on the floor plan the retail licensee submits to the department; and
1398 (ii) clearly and conspicuously label each secondary flavoring ingredient's container
1399 "flavorings".
- 1400 (d)(i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.
1401 (ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection
1402 (1)(b)(iv).
- 1403 (2)(a)(i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
1404 individual portion that does not exceed 5 ounces per glass or individual portion.
1405 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine
1406 to a patron in more than one glass if the total amount of wine does not exceed 5
1407 ounces.
- 1408 (b)(i) A retail licensee may sell, offer for sale, or furnish wine in a container not
1409 exceeding 1.5 liters at a price fixed by the commission to a table of four or more
1410 persons.
1411 (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to
1412 exceed 750 milliliters at a price fixed by the commission to a table of less than
1413 four persons.
- 1414 (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale,
1415 or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed
1416 container not to exceed 16 ounces.
- 1417 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original container at
1418 a price fixed by the commission, except that the original container may not exceed one
1419 liter.
- 1420 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
1421 original container at a price fixed by the commission, except that the original container

1422 may not exceed one liter.

1423 (5)(a)(i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or
1424 furnish beer for on-premise consumption:

1425 (A) in an open original container; and

1426 (B) in a container on draft.

1427 (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection
1428 (5)(a)(i):

1429 (A) in a size of container that exceeds two liters; or

1430 (B) to an individual patron in a size of container that exceeds one liter.

1431 (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise consumption:

1432 (i) in a sealed container; and

1433 (ii) in a size of container that does not exceed two liters.

1434 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual
1435 patron if the total amount of beer does not exceed 16 ounces.

1436 Section 11. Section **32B-5-306** is amended to read:

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

1438 (1)(a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:

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

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

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

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

1443 (b) Prior to any sale or furnishing of an alcoholic product, a retail licensee shall verify
1444 whether the person is a minor or an interdicted person through examination of the
1445 person's identification card or license certificate issued pursuant to Title 53, Chapter
1446 3, Uniform Driver License Act, or proof of age issued by another state or country.

1447 (2)(a) A patron may only purchase an alcoholic product in the licensed premises of a
1448 retail licensee from and be served by an individual who is:

1449 (i) staff of the retail licensee; and

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

1451 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only
1452 if the individual is:

1453 (i) staff of the retail licensee; and

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

1455 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from

1456 staff of the retail licensee or carries bottled wine onto the retail licensee's premises
1457 pursuant to Section 32B-5-307 may thereafter serve wine from the bottle to the
1458 patron or others at the patron's table.

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

1460 (a) a retail licensee; or

1461 (b) staff of a retail licensee.

1462 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the
1463 retail licensee may transfer the retail licensee's inventory of alcoholic product from that
1464 premises to another premises licensed under this chapter that is owned by the same retail
1465 licensee.

1466 Section 12. Section **32B-5-307** is amended to read:

1467 **32B-5-307 . Bringing alcoholic product onto or removing alcoholic product from**
1468 **premises.**

1469 (1) Except as provided in Subsections (3)~~[-and]~~ , (4), and (6):

1470 (a) ~~[a person-]~~ an individual may not bring onto the licensed premises of a retail licensee
1471 an alcoholic product for on-premise consumption;

1472 (b) a retail licensee may not allow a person to:

1473 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or

1474 (ii) consume an alcoholic product brought onto the licensed premises by a person
1475 other than the retail licensee; and

1476 (c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through a
1477 window or door to a location off the licensed premises or to a vehicular traffic area.

1478 (2) Except as provided in Subsections (3)~~[-and]~~ , (4), and (6) and Subsection 32B-4-415(5):

1479 (a) ~~[a person-]~~ an individual may not carry from the licensed premises of a retail licensee
1480 an open container that:

1481 (i) is used primarily for drinking purposes; and

1482 (ii) contains an alcoholic product;

1483 (b) a retail licensee may not permit a patron to carry from the licensed premises an open
1484 container described in Subsection (2)(a); and

1485 (c)(i) ~~[a person-]~~ an individual may not carry from the licensed premises of a retail
1486 licensee a sealed container of liquor that has been purchased from the retail
1487 licensee; and

1488 (ii) a retail licensee may not permit a patron to carry from the licensed premises of
1489 the retail licensee a sealed container of liquor that has been purchased from the

1490 retail licensee.

1491 (3)(a) A patron may bring a bottled wine onto the premises of a retail licensee for
1492 on-premise consumption if:

1493 (i) permitted by the retail licensee; and

1494 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.

1495 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the
1496 patron shall deliver the bottled wine to a server or other representative of the retail
1497 licensee upon entering the licensed premises.

1498 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a
1499 wine service for a bottled wine carried onto the licensed premises in accordance with
1500 this Subsection (3) or a bottled wine purchased at the licensed premises.

1501 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle
1502 of wine purchased at the licensed premises, or brought onto the licensed premises in
1503 accordance with this Subsection (3), only if before removal the bottle is recorked or
1504 recapped.

1505 (4) Neither a patron nor a retail licensee violates this section if:

1506 (a) the patron is in shared seating; and

1507 (b) the patron purchased the patron's alcoholic beverage from a restaurant licensee
1508 whose licensed premises include the shared seating area the patron is in.

1509 (5)(a) A patron may carry from a retail licensee's licensed premises a sealed container of
1510 beer that has been purchased from the retail licensee.

1511 (b) A retail licensee may permit a patron to carry from the retail licensee's licensed
1512 premises a sealed container of beer that has been purchased from the retail licensee.

1513 (6) A patron may transport beer between the licensed areas of a facility with both an
1514 on-premise beer retailer license and an on-premise banquet license if the patron
1515 transports the beer to and from an area of each licensed premises:

1516 (a) if the premises are contiguous; and

1517 (b) where the consumption of beer is permitted.

1518 Section 13. Section **32B-5-308** is amended to read:

1519 **32B-5-308 . Requirements on staff or others on premises -- Employing a minor.**

1520 (1) As used in this section, "straw test" means a technique used by staff of a retail licensee
1521 to taste liquor to ensure the quality, flavor, and alcohol content of the liquor by:

1522 (a) dipping the straw into the liquor;

1523 (b) removing the straw in a manner that a small amount of liquor remains in the straw;

- 1524 and
- 1525 (c) tasting the small amount of liquor from the straw.
- 1526 ~~[(1)]~~ (2) ~~[Staff]~~ Except as provided in Subsection (5), staff of a retail licensee, while on duty,
- 1527 may not:
- 1528 (a) consume an alcoholic product; or
- 1529 (b) be intoxicated.
- 1530 ~~[(2)]~~ (3)(a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or
- 1531 dispense an alcoholic product.
- 1532 (b) Notwithstanding Subsection ~~[(2)(a)]~~ (3)(a), unless otherwise prohibited in the
- 1533 provisions related to the specific type of retail license, a retail licensee may employ a
- 1534 minor who is at least 16 years ~~[of age]~~ old to enter the sale at a cash register or other
- 1535 sales recording device.
- 1536 ~~[(3)]~~ (4) A full-service restaurant licensee, limited-service restaurant licensee, or beer-only
- 1537 restaurant licensee may employ a minor who is at least 16 years ~~[of age]~~ old to bus
- 1538 tables, including containers that contain an alcoholic product.
- 1539 (5) A staff member of a retail licensee may conduct a straw test if the staff member is not a
- 1540 minor.
- 1541 Section 14. Section **32B-6-403** is amended to read:
- 1542 **32B-6-403 . Commission's power to issue bar establishment license.**
- 1543 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an
- 1544 alcoholic product on the person's premises as a bar establishment licensee, the person
- 1545 shall first obtain a bar establishment license from the commission in accordance with
- 1546 this part.
- 1547 (2) The commission may issue a bar establishment license to establish bar establishment
- 1548 licensed premises at places and in numbers the commission considers proper for the
- 1549 storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on
- 1550 premises operated by a bar establishment licensee.
- 1551 (3) Subject to Section 32B-1-201:
- 1552 (a) the commission may not issue a total number of bar establishment licenses that at
- 1553 any time exceeds the sum of:
- 1554 (i) 15; and
- 1555 (ii) the number determined by dividing the population of the state by:
- 1556 (A) before fiscal July 1, 2024, 10,200;
- 1557 (B) in fiscal year 2025, 9,778;

- 1558 (C) in fiscal year 2026, 9,356;
1559 (D) in fiscal year 2027, 8,934;
1560 (E) in fiscal year 2028, 8,512;
1561 (F) in fiscal year 2029, 8,090;
1562 (G) in fiscal year 2030, 7,668; and
1563 (H) in fiscal year 2031, and in each fiscal year thereafter, 7,246;
- 1564 (b) the commission may issue a seasonal bar establishment license in accordance with
1565 Section 32B-5-206 to a bar licensee;
- 1566 (c) the commission may authorize as many as three bar establishment license locations
1567 within a hotel under one bar establishment license if:
- 1568 (i) the location, design, and construction of the hotel requires more than one bar
1569 license location within the hotel to serve the public convenience;
- 1570 (ii) the hotel has a minimum of 150 guest rooms;
- 1571 (iii) all locations under the bar establishment license are:
- 1572 (A) within the same hotel; and
1573 (B) on premises that are managed or operated, and owned or leased, by the bar
1574 establishment licensee;
- 1575 (d) the commission may authorize up to five dispensing locations under one equity
1576 license if the locations under the equity license:
- 1577 ~~[(i) are connected by a private roadway to which the equity licensee, each member of~~
1578 ~~the equity licensee, and each guest has a legal right of access; and]~~
- 1579 ~~[(ii)]~~ (i) are located on premises managed or operated, and owned or leased, by the
1580 equity licensee;
- 1581 (ii) the locations are under the same leadership or management; and
- 1582 (iii) an individual who is a member of at least one location that the equity licensee
1583 operates has access to all locations the equity licensee operates;
- 1584 (e) except for a facility operating in accordance with Subsection (3)(d) or a hotel, a
1585 facility shall have a separate bar establishment license for each bar establishment
1586 license location where an alcoholic product is sold, offered for sale, or furnished;
- 1587 (f) when a business establishment undergoes a change of ownership, the commission
1588 may issue a bar establishment license to the new owner of the business establishment
1589 notwithstanding that there is no bar establishment license available under Subsection
1590 (3)(a) if:
- 1591 (i) the primary business activity at the business establishment before and after the

- 1592 change of ownership is not the sale, offer for sale, or furnishing of an alcoholic
 1593 product;
- 1594 (ii) before the change of ownership there are two or more licensed premises on the
 1595 business establishment that operate under a retail license, with at least one of the
 1596 retail licenses being a bar establishment license;
- 1597 (iii) subject to Subsection (3)(g) the licensed premises of the bar establishment
 1598 license issued under this Subsection (3)(f) is at the same location where the bar
 1599 establishment license licensed premises was located before the change of
 1600 ownership; and
- 1601 (iv) the person who is the new owner of the business establishment qualifies for the
 1602 bar establishment license, except for there being no bar establishment license
 1603 available under Subsection (3)(a); and
- 1604 (g) if a bar establishment licensee of a bar establishment license issued under Subsection
 1605 (3)(f) requests a change of location, the bar establishment licensee may retain the bar
 1606 establishment license after the change of location only if on the day on which the bar
 1607 establishment licensee seeks a change of location a bar establishment license is
 1608 available under Subsection (3)(a).

1609 Section 15. Section **32B-6-603** is amended to read:

1610 **32B-6-603 . Commission's power to issue on-premise banquet license -- Contracts**
 1611 **as host.**

1612 (1)(a) Before a person may store, sell, offer for sale, furnish, or allow the consumption
 1613 of an alcoholic product in connection with the person's banquet and room service
 1614 activities at one of the following, the person shall first obtain an on-premise banquet
 1615 license in accordance with this part:

- 1616 (i) a hotel;
- 1617 (ii) a resort facility;
- 1618 (iii) a sports center;
- 1619 (iv) a convention center;
- 1620 (v) a performing arts facility;
- 1621 (vi) an arena;~~[-or]~~
- 1622 (vii) a restaurant venue~~[-]~~ ; or
- 1623 (viii) an amphitheater.

1624 (b) This part does not prohibit an alcoholic product on the premises of a person listed in
 1625 Subsection (1)(a) to the extent otherwise permitted by this title.

- 1626 (c) This section does not prohibit a person who applies for an on-premise banquet
1627 license to also apply for a package agency if otherwise qualified.
- 1628 (2) The commission may issue an on-premise banquet license to establish on-premise
1629 banquet licensees in the numbers the commission considers proper for the storage, sale,
1630 offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as
1631 part of room service activities operated by an on-premise banquet licensee.
- 1632 (3) Subject to Section 32B-1-201, the commission:
- 1633 (a) may not issue a total number of restaurant venue on-premise banquet licenses that at
1634 any time exceeds 25; and
- 1635 (b) may not issue a total number of on-premise banquet licenses that at any time exceeds
1636 the number determined by dividing the population of the state by 28,765.
- 1637 (4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:
- 1638 (a) the host of the banquet may request an on-premise banquet licensee to provide an
1639 alcoholic product served at the banquet; and
- 1640 (b) an on-premise banquet licensee may provide an alcoholic product served at the
1641 banquet.
- 1642 (5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
- 1643 (a) without charge to a patron at a banquet, except that the host of the banquet shall pay
1644 for an alcoholic product furnished at the banquet; or
- 1645 (b) with a charge to a patron at the banquet.
- 1646 (6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of the
1647 person's total annual banquet gross receipts from the sale of food, which does not
1648 include:
- 1649 (a) mix for an alcoholic product; or
- 1650 (b) a charge in connection with the furnishing of an alcoholic product.
- 1651 Section 16. Section **32B-6-604** is amended to read:
- 1652 **32B-6-604 . Specific licensing requirements for an on-premise banquet license.**
- 1653 (1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part 2,
1654 Retail Licensing Process.
- 1655 (2)(a) An on-premise banquet license expires on October 31 of each year.
- 1656 (b) To renew a person's on-premise banquet license, a person shall comply with the
1657 requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1658 September 30.
- 1659 (3)(a) The nonrefundable application fee for an on-premise banquet license is \$300.

(b)(i) The initial license fee for an on-premise banquet license is \$750.

(ii) The department shall prorate the \$750 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise banquet license expires.

(c) The renewal fee for an on-premise banquet license is \$750.

(4) The bond amount required for an on-premise banquet license is the penal sum of \$10,000.

(5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:

(a) pay an application fee, initial license fee, or renewal fee;

(b) obtain the written consent of the local authority;

(c) submit a copy of the applicant's current business license; or

(d) post a bond as specified by Section 32B-5-204.

(6) Notwithstanding Subsection 32B-5-303(3), the department may approve ~~[an additional location]~~ one or more additional locations in accordance with Subsection (7), in or on the licensed premises of an on-premise banquet licensee from which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in its original application only:

(a) upon proper application by an on-premise banquet licensee; and

(b) in accordance with guidelines approved by the commission.

(7) The department may approve one or more additional locations under Subsection (6), whether or not the locations are contiguous to one another or to the location included in the original application for the on-premise banquet licensee.

Section 17. Section **32B-6-605** is amended to read:

32B-6-605 . Specific operational requirements for on-premise banquet license.

(1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) an on-premise banquet licensee;

(ii) individual staff of an on-premise banquet licensee; or

(iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

(2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5)

for the entire premises of the hotel, resort facility, sports center, convention center, performing arts facility, arena, ~~[or]~~ restaurant venue, or amphitheater that is the basis for the on-premise banquet license.

(3)(a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee shall provide the department with advance notice of a scheduled banquet in accordance with rules made by the commission.

(b) Any of the following may conduct a random inspection of a banquet:

- (i) an authorized representative of the commission or the department; or
- (ii) a law enforcement officer.

(4)(a) An on-premise banquet licensee is not subject to Subsection 32B-5-302(1), but shall make and maintain the records described in Subsection 32B-5-302(2) and the records the commission or department requires.

(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (4).

(5)(a) Except as otherwise provided in this title, an on-premise banquet licensee may sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the location of the banquet.

(b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:

- (i) a person at a banquet other than the on-premise banquet licensee or staff of the on-premise banquet licensee, may not remove an alcoholic product from the premises of the banquet; and
- (ii) a patron at a banquet may not bring an alcoholic product into or onto the premises of the banquet.

(6)(a) An on-premise banquet licensee may not leave an unsold alcoholic product at the banquet following the conclusion of the banquet.

(b) At the conclusion of a banquet, an on-premise banquet licensee shall:

- (i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and
- (ii) return to the on-premise banquet licensee's approved locked storage area any:
 - (A) opened and unused alcoholic product that is saleable; and
 - (B) unopened container of an alcoholic product.

(c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

- 1728 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
1729 locked storage area; and
- 1730 (ii) may use the alcoholic product at more than one banquet.
- 1731 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a
1732 minor to sell, furnish, or dispense an alcoholic product in connection with the
1733 on-premise banquet licensee's banquet and room service activities.
- 1734 (8) An on-premise banquet licensee:
- 1735 (a) may provide room service in portions described in Section 32B-5-304;
- 1736 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
1737 connection with room service any day during a period that:
- 1738 (i) begins at 1 a.m.; and
- 1739 (ii) ends at 9:59 a.m.; and
- 1740 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
1741 product free of charge per guest reservation, per guest room, if the alcoholic product:
- 1742 (i) is not a spirituous liquor; and
- 1743 (ii) is in an unopened container not to exceed 750 milliliters.
- 1744 (9)(a) Subject to the other provisions of this Subsection (9), a patron may not have more
1745 than two alcoholic products of any kind at a time before the patron.
- 1746 (b) A patron may not have more than one spirituous liquor drink at a time before the
1747 patron.
- 1748 (c) An individual portion of wine is considered to be one alcoholic product under
1749 Subsection (9)(a).
- 1750 (10)(a) An on-premise banquet licensee shall supervise and direct a person involved in
1751 the sale, offer for sale, or furnishing of an alcoholic product.
- 1752 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
1753 shall complete an alcohol training and education seminar.
- 1754 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
1755 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
1756 banquet.
- 1757 (12)(a) Room service of an alcoholic product to a guest room or privately owned
1758 dwelling unit of a hotel or resort facility shall be provided in person by staff of an
1759 on-premise banquet licensee only to an adult guest in the guest room or privately
1760 owned dwelling unit.
- 1761 (b) An alcoholic product may not be left outside a guest room or privately owned

1762 dwelling unit for retrieval by a guest or resident.

1763 (13) An on-premise banquet licensee may not maintain a minibar.

1764 Section 18. Section **32B-6-702** is amended to read:

1765 **32B-6-702 . Definitions.**

1766 As used in this part:

1767 (1) "Commission-approved activity" means a leisure activity that:

1768 (a) the commission approves by rule made in accordance with Title 63G, Chapter 3,

1769 Utah Administrative Rulemaking Act; and

1770 (b) does not involve the use of a dangerous weapon.

1771 (2)(a) "Recreational amenity" means:

1772 (i) a billiard parlor;

1773 (ii) a pool parlor;

1774 (iii) a bowling facility;

1775 (iv) a golf course;

1776 (v) miniature golf;

1777 (vi) a golf driving range;

1778 (vii) a tennis club;

1779 (viii) a sports facility that hosts professional sporting events and has a seating

1780 capacity equal to or greater than ~~[5,000]~~ 2,500;

1781 (ix) a concert venue that has a seating capacity equal to or greater than ~~[5,000]~~ 2,500;

1782 (x) one of the following if owned by a government agency:

1783 (A) a convention center;

1784 (B) a fair facility;

1785 (C) an equestrian park;

1786 (D) a theater; or

1787 (E) a concert venue;

1788 (xi) an amusement park:

1789 (A) with one or more permanent amusement rides; and

1790 (B) located on at least 50 acres;

1791 (xii) a ski resort;

1792 (xiii) a venue for live entertainment if the venue:

1793 (A) is not regularly open for more than five hours on any day;

1794 (B) is operated so that food is available whenever beer is sold, offered for sale, or

1795 furnished at the venue; and

1796 (C) is operated so that no more than 15% of its total annual receipts are from the
1797 sale of beer;

1798 (xiv) concessions operated within the boundary of a park administered by the:

1799 (A) Division of State Parks; or

1800 (B) National Parks Service;

1801 (xv) a facility or venue that is a recreational amenity for a person licensed under this
1802 part before May 12, 2020;

1803 (xvi) a venue for karaoke; or

1804 (xvii) an enterprise developed around a commission-approved activity.

1805 (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if
1806 the item is tangential to an enterprise or activity that is not included in Subsection
1807 (2)(a).

1808 Section 19. Section **32B-7-202** is amended to read:

1809 **32B-7-202 . General operational requirements for off-premise beer retailer.**

1810 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
1811 with the provisions of this title and any applicable rules made by the commission.

1812 (b) Failure to comply with this section may result in a suspension or revocation of a
1813 local license and, on or after July 1, 2018, disciplinary action in accordance with
1814 Chapter 3, Disciplinary Actions and Enforcement Act.

1815 (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
1816 purpose of resale, or sell beer, except beer that the off-premise beer retailer
1817 lawfully purchases from:

1818 (A) a beer wholesaler licensee; or

1819 (B) a small brewer that manufactures the beer.

1820 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.

1821 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
1822 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
1823 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
1824 in the geographical area in which the off-premise beer retailer is located, unless an
1825 alternate wholesaler is authorized by the department to sell to the off-premise beer
1826 retailer as provided in Section 32B-13-301.

1827 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

1828 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
1829 container larger than two liters.

- 1830 (4)(a) Staff of an off-premise beer retailer, while on duty, may not:
- 1831 (i) consume an alcoholic product; or
- 1832 (ii) be intoxicated.
- 1833 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
- 1834 unless:
- 1835 (i) the sale is done under the supervision of a person 21 years old or older who is on
- 1836 the licensed premises; and
- 1837 (ii) the minor is at least 16 years old.
- 1838 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product
- 1839 to:
- 1840 (a) a minor;
- 1841 (b) a person actually, apparently, or obviously intoxicated;
- 1842 (c) a known interdicted person; or
- 1843 (d) a known habitual drunkard.
- 1844 (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer
- 1845 shall:
- 1846 (i) display all beer accessible by and visible to a patron in no more than two locations
- 1847 on the retail sales floor, each of which is:
- 1848 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
- 1849 beverage displayed; and
- 1850 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
- 1851 cooler with a door from which the nonalcoholic beverages are not accessible,
- 1852 or the beer is separated from the display of nonalcoholic beverages by a display
- 1853 of one or more nonbeverage products or another physical divider; and
- 1854 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 1855 (A) is prominent;
- 1856 (B) is easily readable by a consumer;
- 1857 (C) meets the requirements for format established by the commission by rule; and
- 1858 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
- 1859 contain alcohol. Please read the label carefully."
- 1860 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
- 1861 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 1862 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
- 1863 labeled, packaged, or advertised as:

- 1864 (i) a malt cooler; or
- 1865 (ii) a beverage that may provide energy.
- 1866 (d) A violation of this Subsection (6) is an infraction.
- 1867 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
- 1868 (6)(a)(i) apply on and after May 9, 2017.
- 1869 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
- 1870 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 1871 (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
- 1872 who sells beer to a patron for consumption off the premises of the off-premise beer
- 1873 retailer shall wear a unique identification badge:
- 1874 (i) on the front of the staff's clothing;
- 1875 (ii) visible above the waist;
- 1876 (iii) bearing the staff's:
- 1877 (A) first or last name;
- 1878 (B) initials; or
- 1879 (C) unique identification in letters or numbers; and
- 1880 (iv) with the number or letters on the unique identification badge being sufficiently
- 1881 large to be clearly visible and identifiable while engaging in or directly
- 1882 supervising the retail sale of beer.
- 1883 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 1884 unique identification badge assigned by the off-premise beer retailer that includes the
- 1885 staff's:
- 1886 (i) full name;
- 1887 (ii) address; and
- 1888 (iii)(A) driver license number; or
- 1889 (B) similar identification number.
- 1890 (c) An off-premise beer retailer shall make available a record required to be made or
- 1891 maintained under this Subsection (7) for immediate inspection by:
- 1892 (i) a peace officer;
- 1893 (ii) a representative of the local authority that issues the off-premise beer retailer
- 1894 license; or
- 1895 (iii) for an off-premise beer retailer state license, a representative of the commission
- 1896 or department.
- 1897 (d) A local authority may impose a fine of up to \$250 against an off-premise beer

- 1898 retailer that does not comply or require its staff to comply with this Subsection (7).
- 1899 [~~(8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer through a~~
- 1900 ~~drive-through window.~~]
- 1901 [~~(b) Subsection (8)(a) does not modify the display limitations and requirements~~
- 1902 ~~described in Subsection (6).~~]
- 1903 (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 1904 (i) at a drive-through window;
- 1905 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
- 1906 off-premise beer retailer's licensed premises; or
- 1907 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 1908 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
- 1909 Subsection (8)(a)(iii) is:
- 1910 (A) located on property that the off-premise beer retailer owns or has a legal right
- 1911 to occupy;
- 1912 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
- 1913 and
- 1914 (C) labeled in a conspicuous manner that communicates the purpose described in
- 1915 Subsection (8)(b)(ii).
- 1916 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
- 1917 designated parking stall described in Subsection (8)(a)(iii) unless:
- 1918 (A) the off-premise beer retailer ensures that the individual purchasing the beer
- 1919 purchases the beer before parking in the designated parking stall;
- 1920 (B) the off-premise beer retailer delivers the beer directly from the off-premise
- 1921 beer retailer's licensed premises to the designated parking stall; and
- 1922 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
- 1923 purchaser's age in accordance with Section 32B-1-407.
- 1924 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
- 1925 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
- 1926 accordance with this Subsection (8) shall comply with the training requirements
- 1927 described in Section 32B-1-703.
- 1928 (9) An off-premise beer retailer may not on the licensed premises:
- 1929 (a) engage in or permit any form of:
- 1930 (i) gambling, as defined in Section 76-10-1101; or
- 1931 (ii) fringe gambling, as defined in Section 76-10-1101;

- 1932 (b) have any fringe gaming device, video gaming device, or gambling device or record
1933 as defined in Section 76-10-1101; or
- 1934 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
1935 the risking of something of value for a return or for an outcome when the return or
1936 outcome is based upon an element of chance, excluding the playing of an amusement
1937 device that confers only an immediate and unrecorded right of replay not
1938 exchangeable for value.
- 1939 (10) An off-premise beer retailer may not knowingly allow a person on the licensed
1940 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
1941 Chapter 37a, Utah Drug Paraphernalia Act:
- 1942 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
1943 or
- 1944 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
1945 Section 58-37a-3.
- 1946 (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
1947 intended to be frozen and consumed in a manner other than as a beverage, including beer
1948 in the form of a freeze pop, popsicle, ice cream, or sorbet.
- 1949 Section 20. Section **32B-9-203** is amended to read:
- 1950 **32B-9-203 . Bond for event permit.**
- 1951 (1)(a) A person applying for an event permit shall post a ~~[cash bond or]~~ surety bond:
- 1952 (i) in the amount specified in ~~[the relevant part under]~~ this chapter for the type of
1953 event permit for which the person is applying; and
- 1954 (ii) payable to the department.
- 1955 (b) An event permittee shall procure and maintain a bond required under this section for
1956 as long as the event permit is in effect.
- 1957 (2) A bond posted by an event permittee under this section shall be:
- 1958 (a) in a form approved by the attorney general; and
- 1959 (b) conditioned upon the event permittee's faithful compliance with this title and the
1960 rules of the commission.
- 1961 (3) No part of a bond posted by an event permittee under this section may be withdrawn
1962 during the period the event permit is in effect.
- 1963 (4)(a) A bond posted by an event permittee under this section may be forfeited if the
1964 event permit is revoked.
- 1965 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond

1966 posted by an event permittee for money owed the department under this title without
1967 the commission first revoking the event permit.

1968 Section 21. Section **41-6a-102** is amended to read:

1969 **41-6a-102 . Definitions.**

1970 As used in this chapter:

1971 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots
1972 or buildings in urban districts and not intended for through vehicular traffic.

1973 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

1974 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

1975 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

1976 (5) "Authorized emergency vehicle" includes:

1977 (a) a fire department vehicle;

1978 (b) a police vehicle;

1979 (c) an ambulance; and

1980 (d) other publicly or privately owned vehicles as designated by the commissioner of the
1981 Department of Public Safety.

1982 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.

1983 (7)(a) "Bicycle" means a wheeled vehicle:

1984 (i) propelled by human power by feet or hands acting upon pedals or cranks;

1985 (ii) with a seat or saddle designed for the use of the operator;

1986 (iii) designed to be operated on the ground; and

1987 (iv) whose wheels are not less than 14 inches in diameter.

1988 (b) "Bicycle" includes an electric assisted bicycle.

1989 (c) "Bicycle" does not include scooters and similar devices.

1990 (8)(a) "Bus" means a motor vehicle:

1991 (i) designed for carrying more than 15 passengers and used for the transportation of
1992 persons; or

1993 (ii) designed and used for the transportation of persons for compensation.

1994 (b) "Bus" does not include a taxicab.

1995 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
1996 in design, located in the center of the intersection where traffic passes to the right of
1997 the island.

1998 (b) "Circular intersection" includes:

1999 (i) roundabouts;

- 2000 (ii) rotaries; and
2001 (iii) traffic circles.
- 2002 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
2003 motor or electronics that:
2004 (a) provides assistance only when the rider is pedaling; and
2005 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 2006 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
2007 motor or electronics that:
2008 (a) may be used exclusively to propel the bicycle; and
2009 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
2010 per hour.
- 2011 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
2012 motor or electronics that:
2013 (a) provides assistance only when the rider is pedaling;
2014 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
2015 and
2016 (c) is equipped with a speedometer.
- 2017 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 2018 (14) "Controlled-access highway" means a highway, street, or roadway:
2019 (a) designed primarily for through traffic; and
2020 (b) to or from which owners or occupants of abutting lands and other persons have no
2021 legal right of access, except at points as determined by the highway authority having
2022 jurisdiction over the highway, street, or roadway.
- 2023 (15) "Crosswalk" means:
2024 (a) that part of a roadway at an intersection included within the connections of the lateral
2025 lines of the sidewalks on opposite sides of the highway measured from:
2026 (i)(A) the curbs; or
2027 (B) in the absence of curbs, from the edges of the traversable roadway; and
2028 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
2029 included within the extension of the lateral lines of the existing sidewalk at right
2030 angles to the centerline; or
2031 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
2032 pedestrian crossing by lines or other markings on the surface.
- 2033 (16) "Department" means the Department of Public Safety.

- 2034 (17) "Direct supervision" means oversight at a distance within which:
- 2035 (a) visual contact is maintained; and
- 2036 (b) advice and assistance can be given and received.
- 2037 (18) "Divided highway" means a highway divided into two or more roadways by:
- 2038 (a) an unpaved intervening space;
- 2039 (b) a physical barrier; or
- 2040 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 2041 (19) "Echelon formation" means the operation of two or more snowplows arranged
- 2042 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 2043 clear snow from two or more lanes at once.
- 2044 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 2045 (i) has a power output of not more than 750 watts;
- 2046 (ii) has fully operable pedals;
- 2047 (iii) has permanently affixed cranks that were installed at the time of the original
- 2048 manufacture;
- 2049 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 2050 (v) is one of the following:
- 2051 (A) a class 1 electric assisted bicycle;
- 2052 (B) a class 2 electric assisted bicycle;
- 2053 (C) a class 3 electric assisted bicycle; or
- 2054 (D) a programmable electric assisted bicycle.
- 2055 (b) "Electric assisted bicycle" does not include:
- 2056 (i) a moped;
- 2057 (ii) a motor assisted scooter;
- 2058 (iii) a motorcycle;
- 2059 (iv) a motor-driven cycle; or
- 2060 (v) any other vehicle with less than four wheels that is designed, manufactured,
- 2061 intended, or advertised by the seller to have any of the following capabilities or
- 2062 features, or that is modifiable or is modified to have any of the following
- 2063 capabilities or features:
- 2064 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
- 2065 power alone;
- 2066 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 2067 (C) is equipped with foot pegs for the operator at the time of manufacture, or

- 2068 requires installation of a pedal kit to have operable pedals; or
2069 (D) if equipped with multiple operating modes and a throttle, has one or more
2070 modes that exceed 20 miles per hour on motor power alone.
- 2071 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
2072 (i) two nontandem wheels in contact with the ground;
2073 (ii) a system capable of steering and stopping the unit under typical operating
2074 conditions;
2075 (iii) an electric propulsion system with average power of one horsepower or 750
2076 watts;
2077 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
2078 (v) a deck design for a person to stand while operating the device.
- 2079 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 2080 (22) "Explosives" means a chemical compound or mechanical mixture commonly used or
2081 intended for the purpose of producing an explosion and that contains any oxidizing and
2082 combustive units or other ingredients in proportions, quantities, or packing so that an
2083 ignition by fire, friction, concussion, percussion, or detonator of any part of the
2084 compound or mixture may cause a sudden generation of highly heated gases, and the
2085 resultant gaseous pressures are capable of producing destructive effects on contiguous
2086 objects or of causing death or serious bodily injury.
- 2087 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
2088 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 2089 (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
2090 determined by a Tagliabue or equivalent closed-cup test device.
- 2091 (25) "Freeway" means a controlled-access highway that is part of the interstate system as
2092 defined in Section 72-1-102.
- 2093 (26)(a) "Golf cart" means a device that:
2094 (i) is designed for transportation by players on a golf course;
2095 (ii) has not less than three wheels in contact with the ground;
2096 (iii) has an unladen weight of less than 1,800 pounds;
2097 (iv) is designed to operate at low speeds; and
2098 (v) is designed to carry not more than six persons including the driver.
- 2099 (b) "Golf cart" does not include:
2100 (i) a low-speed vehicle or an off-highway vehicle;
2101 (ii) a motorized wheelchair;

- 2102 (iii) an electric personal assistive mobility device;
- 2103 (iv) an electric assisted bicycle;
- 2104 (v) a motor assisted scooter;
- 2105 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 2106 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 2107 (27) "Gore area" means the area delineated by two solid white lines that is between a
- 2108 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
- 2109 including similar areas between merging or splitting highways.
- 2110 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any
- 2111 load on the vehicle.
- 2112 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 2113 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 2114 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
- 2115 highway or railroad tracks.
- 2116 (30) "Highway" means the entire width between property lines of every way or place of any
- 2117 nature when any part of it is open to the use of the public as a matter of right for
- 2118 vehicular travel.
- 2119 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 2120 (32) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 2121 [~~(32)~~] (33)(a) "Intersection" means the area embraced within the prolongation or
- 2122 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the
- 2123 roadways of two or more highways that join one another.
- 2124 (b) Where a highway includes two roadways 30 feet or more apart:
- 2125 (i) every crossing of each roadway of the divided highway by an intersecting
- 2126 highway is a separate intersection; and
- 2127 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
- 2128 every crossing of two roadways of the highways is a separate intersection.
- 2129 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 2130 [~~(33)~~] (34) "Island" means an area between traffic lanes or at an intersection for control of
- 2131 vehicle movements or for pedestrian refuge designated by:
- 2132 (a) pavement markings, which may include an area designated by two solid yellow lines
- 2133 surrounding the perimeter of the area;
- 2134 (b) channelizing devices;
- 2135 (c) curbs;

- 2136 (d) pavement edges; or
2137 (e) other devices.
- 2138 [(34)] (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the
2139 act of overtaking and passing another vehicle that is stopped in the same direction of
2140 travel in the same lane.
- 2141 [(35)] (36) "Law enforcement agency" means the same as that term is as defined in Section
2142 53-1-102.
- 2143 [(36)] (37) "Limited access highway" means a highway:
2144 (a) that is designated specifically for through traffic; and
2145 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
2146 persons have any right or easement, or have only a limited right or easement of
2147 access, light, air, or view.
- 2148 [(37)] (38) "Local highway authority" means the legislative, executive, or governing body of
2149 a county, municipal, or other local board or body having authority to enact laws relating
2150 to traffic under the constitution and laws of the state.
- 2151 [(38)] (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:
2152 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
2153 (ii) has a capacity of not more than six passengers, including a conventional driver or
2154 fallback-ready user if on board the vehicle, as those terms are defined in Section
2155 41-26-102.1.
- 2156 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 2157 [(39)] (40) "Metal tire" means a tire, the surface of which in contact with the highway is
2158 wholly or partly of metal or other hard nonresilient material.
- 2159 [(40)] (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
2160 seat or saddle that is less than 24 inches from the ground as measured on a level
2161 surface with properly inflated tires.
- 2162 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 2163 (c) "Mini-motorcycle" does not include a motorcycle that is:
2164 (i) designed for off-highway use; and
2165 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 2166 [(41)] (42) "Mobile home" means:
2167 (a) a trailer or semitrailer that is:
2168 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
2169 place either permanently or temporarily; and

- 2170 (ii) equipped for use as a conveyance on streets and highways; or
- 2171 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
- 2172 for use as a mobile home, as defined in Subsection [~~(41)~~(a)] (42)(a), but that is instead
- 2173 used permanently or temporarily for:
- 2174 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 2175 (ii) any other commercial purpose except the transportation of property for hire or the
- 2176 transportation of property for distribution by a private carrier.

2177 [~~(42)~~] (43) "Mobility disability" means the inability of a person to use one or more of the

2178 person's extremities or difficulty with motor skills, that may include limitations with

2179 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other

2180 condition.

2181 [~~(43)~~] (44)(a) "Moped" means a motor-driven cycle having:

- 2182 (i) pedals to permit propulsion by human power; and
- 2183 (ii) a motor that:
- 2184 (A) produces not more than two brake horsepower; and
- 2185 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
- 2186 on level ground.

2187 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic

2188 centimeters and the moped shall have a power drive system that functions directly or

2189 automatically without clutching or shifting by the operator after the drive system is

2190 engaged.

2191 (c) "Moped" does not include:

- 2192 (i) an electric assisted bicycle; or
- 2193 (ii) a motor assisted scooter.

2194 [~~(44)~~] (45)(a) "Motor assisted scooter" means a self-propelled device with:

- 2195 (i) at least two wheels in contact with the ground;
- 2196 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 2197 (iii) an electric motor not exceeding 2,000 watts;
- 2198 (iv) either:
- 2199 (A) handlebars and a deck design for a person to stand while operating the device;
- 2200 or
- 2201 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
- 2202 operating the device;
- 2203 (v) a design for the ability to be propelled by human power alone; and

- 2204 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 2205 (b) "Motor assisted scooter" does not include:
- 2206 (i) an electric assisted bicycle; or
- 2207 (ii) a motor-driven cycle.
- 2208 ~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 2209 propelled by electric power obtained from overhead trolley wires, but not operated
- 2210 upon rails.
- 2211 (b) "Motor vehicle" does not include:
- 2212 (i) vehicles moved solely by human power;
- 2213 (ii) motorized wheelchairs;
- 2214 (iii) an electric personal assistive mobility device;
- 2215 (iv) an electric assisted bicycle;
- 2216 (v) a motor assisted scooter;
- 2217 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 2218 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 2219 ~~[(46)]~~ (47) "Motorcycle" means:
- 2220 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 2221 and designed to travel with not more than three wheels in contact with the ground; or
- 2222 (b) an auticycle.
- 2223 ~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
- 2224 having:
- 2225 (i) an engine with less than 150 cubic centimeters displacement; or
- 2226 (ii) a motor that produces not more than five horsepower.
- 2227 (b) "Motor-driven cycle" does not include:
- 2228 (i) an electric personal assistive mobility device;
- 2229 (ii) a motor assisted scooter; or
- 2230 (iii) an electric assisted bicycle.
- 2231 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
- 2232 under Section 41-22-2.
- 2233 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
- 2234 41-22-2.
- 2235 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 2236 ~~[(51)]~~ (52) "Operator" means:
- 2237 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

- 2238 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
2239 vehicle.
- 2240 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
2241 other device operated, alone or coupled with another device, on stationary rails.
- 2242 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
2243 occupied or not.
- 2244 (b) "Park" or "parking" does not include:
- 2245 (i) the standing of a vehicle temporarily for the purpose of and while actually
2246 engaged in loading or unloading property or passengers; or
- 2247 (ii) a motor vehicle with an engaged automated driving system that has achieved a
2248 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 2249 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
2250 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
2251 violations of traffic laws.
- 2252 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:
- 2253 (a) on foot; or
- 2254 (b) in a wheelchair.
- 2255 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
2256 pedestrians.
- 2257 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
2258 business trust, estate, trust, partnership, limited liability company, association, joint
2259 venture, governmental agency, public corporation, or any other legal or commercial
2260 entity.
- 2261 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:
- 2262 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
2263 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
2264 and
- 2265 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
2266 pipes, or structural members generally capable of sustaining themselves as beams
2267 between the supporting connections.
- 2268 ~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and
2269 used for vehicular travel by the owner and those having express or implied permission
2270 from the owner, but not by other persons.
- 2271 ~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with

2272 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
2273 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
2274 electric assisted bicycle fully conforms with the respective requirements of each class of
2275 electric assisted bicycle when operated in that mode.

2276 ~~[(61)]~~ (62) "Railroad" means a carrier of persons or property upon cars operated on
2277 stationary rails.

2278 ~~[(62)]~~ (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
2279 public body or official or by a railroad and intended to give notice of the presence of
2280 railroad tracks or the approach of a railroad train.

2281 ~~[(63)]~~ (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
2282 with or operated without cars, and operated upon rails.

2283 ~~[(64)]~~ (65) "Restored-modified vehicle" means the same as the term defined in Section
2284 41-1a-102.

2285 ~~[(65)]~~ (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
2286 lawful manner in preference to another vehicle or pedestrian approaching under
2287 circumstances of direction, speed, and proximity that give rise to danger of collision
2288 unless one grants precedence to the other.

2289 ~~[(66)]~~ (67)(a) "Roadway" means that portion of highway improved, designed, or
2290 ordinarily used for vehicular travel.

2291 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
2292 them are used by persons riding bicycles or other human-powered vehicles.

2293 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
2294 highway includes two or more separate roadways.

2295 ~~[(67)]~~ (68) "Safety zone" means the area or space officially set apart within a roadway for
2296 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
2297 signs as to be plainly visible at all times while set apart as a safety zone.

2298 ~~[(68)]~~ (69)(a) "School bus" means a motor vehicle that:

2299 (i) complies with the color and identification requirements of the most recent edition
2300 of "Minimum Standards for School Buses"; and

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

2302 (b) "School bus" does not include a vehicle operated by a common carrier in
2303 transportation of school children to or from school or school activities.

2304 ~~[(69)]~~ (70)(a) "Semitrailer" means a vehicle with or without motive power:

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

2306 and

2307 (ii) constructed so that some part of its weight and that of its load rests on or is

2308 carried by another vehicle.

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

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

2311 (a) that area of the hard-surfaced highway separated from the roadway by a pavement

2312 edge line as established in the current approved "Manual on Uniform Traffic Control

2313 Devices"; or

2314 (b) that portion of the road contiguous to the roadway for accommodation of stopped

2315 vehicles, for emergency use, and for lateral support.

2316 ~~[(71)]~~ (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral

2317 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

2318 ~~[(72)]~~ (73)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt

2319 that is designated for the use of a bicycle.

2320 (b) "Soft-surface trail" does not mean a trail:

2321 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a

2322 federal law, regulation, or rule; or

2323 (ii) located in whole or in part on land granted to the state or a political subdivision

2324 subject to a conservation easement that prohibits the use of a motorized vehicle.

2325 ~~[(73)]~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not

2326 depend on compressed air for the support of the load.

2327 ~~[(74)]~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether

2328 occupied or not, for the purpose of and while actually engaged in receiving or

2329 discharging passengers.

2330 ~~[(75)]~~ (76) "Stop" when required means complete cessation from movement.

2331 ~~[(76)]~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a

2332 vehicle, whether occupied or not, except when:

2333 (a) necessary to avoid conflict with other traffic; or

2334 (b) in compliance with the directions of a peace officer or traffic-control device.

2335 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I

2336 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet

2337 the requirements of Section 41-6a-1509 to operate on highways in the state in

2338 accordance with Section 41-6a-1509.

2339 ~~[(78)]~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under

2340 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
2341 operate on highways in the state in accordance with ~~[with]~~Section 41-6a-1509.

2342 ~~[(79)]~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
2343 ~~[(80)]~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section
2344 72-9-102.

2345 ~~[(81)]~~ (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
2346 conveyances either singly or together while using any highway for the purpose of travel.

2347 ~~[(82)]~~ (83) "Traffic signal preemption device" means an instrument or mechanism designed,
2348 intended, or used to interfere with the operation or cycle of a traffic-control signal.

2349 ~~[(83)]~~ (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
2350 with this chapter placed or erected by a highway authority for the purpose of regulating,
2351 warning, or guiding traffic.

2352 ~~[(84)]~~ (85) "Traffic-control signal" means a device, whether manually, electrically, or
2353 mechanically operated, by which traffic is alternately directed to stop and permitted to
2354 proceed.

2355 ~~[(85)]~~ (86)(a) "Trailer" means a vehicle with or without motive power designed for
2356 carrying persons or property and for being drawn by a motor vehicle and constructed
2357 so that no part of its weight rests upon the towing vehicle.

2358 (b) "Trailer" does not include a pole trailer.

2359 ~~[(86)]~~ (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the
2360 transportation of property.

2361 ~~[(87)]~~ (88) "Truck tractor" means a motor vehicle:
2362 (a) designed and used primarily for drawing other vehicles; and
2363 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
2364 tractor.

2365 ~~[(88)]~~ (89) "Two-way left turn lane" means a lane:
2366 (a) provided for vehicle operators making left turns in either direction;
2367 (b) that is not used for passing, overtaking, or through travel; and
2368 (c) that has been indicated by a lane traffic-control device that may include lane
2369 markings.

2370 ~~[(89)]~~ (90) "Urban district" means the territory contiguous to and including any street, in
2371 which structures devoted to business, industry, or dwelling houses are situated at
2372 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

2373 ~~[(90)]~~ (91) "Vehicle" means a device in, on, or by which a person or property is or may be

transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

Section 22. Section **41-6a-505** is amended to read:

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

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

(a) the court shall:

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

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

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

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

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

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

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

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

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

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

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

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

(x) designate the individual as an interdicted person for a period of time not to exceed

2408 the probationary period, unless the court finds good cause to order a shorter or
2409 longer time, and require the individual to surrender the individual's driver license
2410 or identification card; and

2411 (b) the court may:

2412 (i) order the individual to obtain substance abuse treatment if the substance abuse
2413 treatment program determines that substance abuse treatment is appropriate;

2414 (ii) order the individual to participate in a 24-7 sobriety program as defined in
2415 Section 41-6a-515.5 if the individual is 21 years old or older; or

2416 (iii) order a combination of Subsections (1)(b)(i) and (ii).

2417 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
2418 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
2419 imposed under Subsection (1)(a).

2420 (b) If an individual described in Subsection (1) fails to successfully complete all of the
2421 requirements of the 24-7 sobriety program, the court shall impose the suspended jail
2422 sentence described in Subsection (2)(a).

2423 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
2424 Subsection (1):

2425 (a) the court shall:

2426 (i)(A) impose a jail sentence of not less than two days; or

2427 (B) require the individual to work in a compensatory-service work program for
2428 not less than 48 hours;

2429 (ii) order the individual to participate in a screening;

2430 (iii) order the individual to participate in an assessment, if it is found appropriate by a
2431 screening under Subsection (3)(a)(ii);

2432 (iv) order the individual to participate in an educational series if the court does not
2433 order substance abuse treatment as described under Subsection (3)(b);

2434 (v) impose a fine of not less than \$700;

2435 (vi)(A) order the individual to pay the administrative impound fee described in
2436 Section 41-6a-1406; or

2437 (B) if the administrative impound fee was paid by a party described in Subsection
2438 41-6a-1406(6)(a), other than the individual sentenced, order the individual
2439 sentenced to reimburse the party; ~~[or]~~ and

2440 (vii)(A) order the individual to pay the towing and storage fees described in
2441 Section 72-9-603; or

- 2442 (B) if the towing and storage fees were paid by a party described in Subsection
2443 41-6a-1406(6)(a), other than the individual sentenced, order the individual
2444 sentenced to reimburse the party; and
- 2445 (b) the court may:
- 2446 (i) order the individual to obtain substance abuse treatment if the substance abuse
2447 treatment program determines that substance abuse treatment is appropriate;
- 2448 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 2449 (iii) order the individual to participate in a 24-7 sobriety program as defined in
2450 Section 41-6a-515.5 if the individual is 21 years old or older;[-or]
- 2451 (iv) order a combination of Subsections (3)(b)(i) through (iii)[-]; or
- 2452 (v) designate the individual as an interdicted person for a period of time not to exceed
2453 the probationary period, unless the court finds good cause to order a shorter or
2454 longer time, and require the individual to surrender the individual's driver license
2455 or identification card.
- 2456 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
2457 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
2458 imposed under Subsection (3)(a).
- 2459 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
2460 the requirements of the 24-7 sobriety program, the court shall impose the suspended
2461 jail sentence described in Subsection (4)(a).
- 2462 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
2463 years of the current conviction under Section 41-6a-502 or the commission of the
2464 offense upon which the current conviction amounts to extreme DUI:
- 2465 (a) the court shall:
- 2466 (i)(A) impose a jail sentence of not less than 20 days;
- 2467 (B) impose a jail sentence of not less than 10 days in addition to home
2468 confinement of not fewer than 60 consecutive days through the use of
2469 electronic monitoring that includes a substance abuse testing instrument in
2470 accordance with Section 41-6a-506; or
- 2471 (C) impose a jail sentence of not less than 10 days in addition to ordering the
2472 individual to obtain substance abuse treatment, if the court finds that substance
2473 abuse treatment is more likely to reduce recidivism and is in the interests of
2474 public safety;
- 2475 (ii) order the individual to participate in a screening;

- 2476 (iii) order the individual to participate in an assessment, if it is found appropriate by a
2477 screening under Subsection (5)(a)(ii);
- 2478 (iv) order the individual to participate in an educational series if the court does not
2479 order substance abuse treatment as described under Subsection (5)(b);
- 2480 (v) impose a fine of not less than \$800;
- 2481 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 2482 (vii) order the installation of an ignition interlock system as described in Section
2483 41-6a-518;
- 2484 (viii)(A) order the individual to pay the administrative impound fee described in
2485 Section 41-6a-1406; or
- 2486 (B) if the administrative impound fee was paid by a party described in Subsection
2487 41-6a-1406(6)(a), other than the individual sentenced, order the individual
2488 sentenced to reimburse the party; [or]
- 2489 (ix)(A) order the individual to pay the towing and storage fees described in
2490 Section 72-9-603; or
- 2491 (B) if the towing and storage fees were paid by a party described in Subsection
2492 41-6a-1406(6)(a), other than the individual sentenced, order the individual
2493 sentenced to reimburse the party; and
- 2494 (x) designate the individual as an interdicted person for a period of time not to exceed
2495 the probationary period, unless the court finds good cause to order a shorter or
2496 longer time, and require the individual to surrender the individual's driver license
2497 or identification card; and
- 2498 (b) the court may:
- 2499 (i) order the individual to obtain substance abuse treatment if the substance abuse
2500 treatment program determines that substance abuse treatment is appropriate;
- 2501 (ii) order the individual to participate in a 24-7 sobriety program as defined in
2502 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 2503 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 2504 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
2505 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
2506 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 2507 (i) five days of the jail sentence for a second offense; or
- 2508 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 2509 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of

2510 the requirements of the 24-7 sobriety program, the court shall impose the suspended
2511 jail sentence described in Subsection (6)(a).

2512 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
2513 years of the current conviction under Section 41-6a-502 or the commission of the
2514 offense upon which the current conviction is based and that does not qualify under
2515 Subsection (5):

2516 (a) the court shall:

2517 (i)(A) impose a jail sentence of not less than 10 days; or

2518 (B) impose a jail sentence of not less than 5 days in addition to home confinement
2519 of not fewer than 30 consecutive days through the use of electronic monitoring
2520 that includes a substance abuse testing instrument in accordance with Section
2521 41-6a-506;

2522 (ii) order the individual to participate in a screening;

2523 (iii) order the individual to participate in an assessment, if it is found appropriate by a
2524 screening under Subsection (7)(a)(ii);

2525 (iv) order the individual to participate in an educational series if the court does not
2526 order substance abuse treatment as described under Subsection (7)(b);

2527 (v) impose a fine of not less than \$800;

2528 (vi) order probation for the individual in accordance with Section 41-6a-507;

2529 (vii)(A) order the individual to pay the administrative impound fee described in
2530 Section 41-6a-1406; or

2531 (B) if the administrative impound fee was paid by a party described in Subsection
2532 41-6a-1406(6)(a), other than the individual sentenced, order the individual
2533 sentenced to reimburse the party; ~~[or]~~ and

2534 (viii)(A) order the individual to pay the towing and storage fees described in
2535 Section 72-9-603; or

2536 (B) if the towing and storage fees were paid by a party described in Subsection
2537 41-6a-1406(6)(a), other than the individual sentenced, order the individual
2538 sentenced to reimburse the party; and

2539 (b) the court may:

2540 (i) order the individual to obtain substance abuse treatment if the substance abuse
2541 treatment program determines that substance abuse treatment is appropriate;

2542 (ii) order the individual to participate in a 24-7 sobriety program as defined in
2543 Section 41-6a-515.5 if the individual is 21 years old or older; ~~[or]~~

- 2544 (iii) order a combination of Subsections (7)(b)(i) and (ii)[~~;~~] or
- 2545 (iv) designate the individual as an interdicted person for a period of time not to
- 2546 exceed the probationary period, unless the court finds good cause to order a
- 2547 shorter or longer time, and require the individual to surrender the individual's
- 2548 driver license or identification card.
- 2549 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
- 2550 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 2551 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 2552 (i) five days of the jail sentence for a second offense; or
- 2553 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 2554 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
- 2555 the requirements of the 24-7 sobriety program, the court shall impose the suspended
- 2556 jail sentence described in Subsection (8)(a).
- 2557 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
- 2558 sentence and places the defendant on probation for a conviction of extreme DUI, the
- 2559 court shall~~impose~~:
- 2560 (a) impose a fine of not less than \$1,500;
- 2561 (b) impose a jail sentence of not less than 120 days;
- 2562 (c) order home confinement of not fewer than 120 consecutive days through the use of
- 2563 electronic monitoring that includes a substance abuse testing instrument in
- 2564 accordance with Section 41-6a-506; ~~and~~
- 2565 (d) order supervised probation~~;~~ and
- 2566 (e) designate the individual as an interdicted person for a period of time not to exceed
- 2567 the probationary period, unless the court finds good cause to order a shorter or longer
- 2568 time, and require the individual to surrender the individual's driver license or
- 2569 identification card.
- 2570 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 2571 (i) shall impose an order requiring the individual to obtain a screening and
- 2572 assessment for alcohol and substance abuse, and treatment as appropriate; and
- 2573 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
- 2574 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
- 2575 older.
- 2576 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
- 2577 of the requirements of the 24-7 sobriety program, the court shall impose the

2578 suspended prison sentence described in Subsection (9).

2579 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
2580 sentence and places the defendant on probation with a sentence not described in
2581 Subsection (9), the court shall impose:

2582 (a) a fine of not less than \$1,500;

2583 (b) a jail sentence of not less than 60 days;

2584 (c) home confinement of not fewer than 60 consecutive days through the use of
2585 electronic monitoring that includes a substance abuse testing instrument in
2586 accordance with Section 41-6a-506; and

2587 (d) supervised probation.

2588 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
2589 requirements of this section.

2590 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).

2591 (b) A court, with stipulation of both parties and approval from the judge, may convert a
2592 jail sentence required in this section to electronic home confinement.

2593 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
2594 under this section to be served in multiple two-day increments at weekly intervals if
2595 the court determines that separate jail increments are necessary to ensure the
2596 defendant can serve the statutorily required jail term and maintain employment.

2597 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
2598 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
2599 court shall order the following, or describe on record why the order or orders are not
2600 appropriate:

2601 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and

2602 (b) one or more of the following:

2603 (i) the installation of an ignition interlock system as a condition of probation for the
2604 individual in accordance with Section 41-6a-518;

2605 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
2606 device or remote alcohol monitor as a condition of probation for the individual; or

2607 (iii) the imposition of home confinement through the use of electronic monitoring in
2608 accordance with Section 41-6a-506.

2609 Section 23. Section **41-6a-509** is amended to read:

2610 **41-6a-509 . Driver license suspension or revocation for a driving under the**
2611 **influence violation.**

2612 (1)(a) The Driver License Division shall, if the person is 21 years old or older at the time
2613 of arrest:

2614 (i) suspend for a period of 120 days the operator's license of a person convicted for
2615 the first time under Section 41-6a-502 or 76-5-102.1; or
2616 (ii) revoke for a period of two years the license of a person if:

2617 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2);
2618 and
2619 (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
2620 committed within a period of 10 years from the date of the prior violation.

2621 (b)(i) If a person elects to become an interlock restricted driver under Subsection
2622 53-3-223(10)(a), the Driver License Division may not suspend the operator's
2623 license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i)
2624 unless the person fails to complete 120 days of the interlock restriction.

2625 (ii) If a person elects to become an interlock restricted driver under Subsection
2626 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock
2627 restriction, the Driver License Division:

2628 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
2629 period of 120 days from the date the ignition interlock system was removed
2630 from the vehicle; and
2631 (B) may not reduce the 120-day suspension for any days the person was compliant
2632 with the interlock restriction under Subsection 53-3-223(10)(a).

2633 (c)(i) If a person elects to become an interlock restricted driver under Subsection
2634 41-6a-521(7), the Driver License Division may not suspend the operator's license
2635 for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the
2636 person fails to complete three years of the interlock restriction under Subsection
2637 41-6a-521(7).

2638 (ii) If a person elects to become an interlock restricted driver under Subsection
2639 41-6a-521(7), and the person fails to complete the full three years of interlock
2640 restriction, the Driver License Division:

2641 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
2642 period of 120 days from the date the ignition interlock system was removed
2643 from the vehicle; and
2644 (B) may not reduce the 120-day suspension for any days the person was compliant
2645 with the interlock restriction under Subsection 41-6a-521(7).

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

- 2680 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
2681 committed within a period of 10 years from the date of the prior violation; or
2682 (d) deny the person's application for a license or learner's permit until the person is 21
2683 years old if:
2684 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
2685 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
2686 committed within a period of 10 years from the date of the prior violation; and
2687 (iii) the person has not been issued an operator license.
- 2688 (4) The Driver License Division shall suspend or revoke the license of a person as ordered
2689 by the court under Subsection (9).
- 2690 (5) The Driver License Division shall subtract from any suspension or revocation period the
2691 number of days for which a license was previously suspended under Section 53-3-223 or
2692 53-3-231, if the previous suspension was based on the same occurrence upon which the
2693 record of conviction is based.
- 2694 (6) If a conviction recorded as impaired driving is amended to a driving under the influence
2695 conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
2696 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
2697 (a) may not subtract from any suspension or revocation any time for which a license was
2698 previously suspended or revoked under Section 53-3-223 or 53-3-231; and
2699 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
2700 amended conviction.
- 2701 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or
2702 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License
2703 Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or
2704 Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
2705 (a) completes at least six months of the license suspension;
2706 (b) completes a screening;
2707 (c) completes an assessment, if it is found appropriate by a screening under Subsection
2708 (7)(b);
2709 (d) completes substance abuse treatment if it is found appropriate by the assessment
2710 under Subsection (7)(c);
2711 (e) completes an educational series if substance abuse treatment is not required by an
2712 assessment under Subsection (7)(c) or the court does not order substance abuse
2713 treatment;

- 2714 (f) has not been convicted of a violation of any motor vehicle law in which the person
2715 was involved as the operator of the vehicle during the suspension period imposed
2716 under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
- 2717 (g) has complied with all the terms of the person's probation or all orders of the court if
2718 not ordered to probation; and
- 2719 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
2720 person has not unlawfully consumed alcohol during the suspension period
2721 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
- 2722 (ii) is under 18 years old and has the person's parent or legal guardian provide an
2723 affidavit or sworn statement to the court certifying that to the parent or legal
2724 guardian's knowledge the person has not unlawfully consumed alcohol during the
2725 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or
2726 (b).
- 2727 (8) If the court shortens a person's license suspension period in accordance with the
2728 requirements of Subsection (7), the court shall forward the order shortening the person's
2729 suspension period to the Driver License Division in a manner specified by the division
2730 prior to the completion of the suspension period imposed under Subsection (2)(a) or (b)
2731 or Subsection (3)(a) or (b).
- 2732 (9)(a)(i) In addition to any other penalties provided in this section, a court may order
2733 the operator's license of a person who is convicted of a violation of Section
2734 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional
2735 period of 90 days, 120 days, 180 days, one year, or two years to remove from the
2736 highways those persons who have shown they are safety hazards.
- 2737 (ii) The additional suspension or revocation period provided in this Subsection (9)
2738 shall begin the date on which the individual would be eligible to reinstate the
2739 individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or
2740 76-5-207.
- 2741 (b) If the court suspends or revokes the person's license under this Subsection (9), the
2742 court shall prepare and send to the Driver License Division an order to suspend or
2743 revoke that person's driving privileges for a specified period of time.
- 2744 (10)(a) The court shall notify the Driver License Division if a person fails to complete
2745 all court ordered:
- 2746 (i) screenings;
- 2747 (ii) assessments;

- 2748 (iii) educational series;
2749 (iv) substance abuse treatment; and
2750 (v) hours of work in a compensatory-service work program.
- 2751 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in
2752 Subsection (10)(a), the division shall suspend the person's driving privilege in
2753 accordance with Subsection 53-3-221(2).
- 2754 (11)(a) A court that reported a conviction of a violation of Section 41-6a-502 to the
2755 Driver License Division may shorten the suspension or revocation period imposed
2756 under Subsection (1) before completion of the suspension or revocation period if the
2757 person:
- 2758 (i) is participating in or has successfully completed a 24-7 sobriety program as
2759 defined in Section 41-6a-515.5;
- 2760 (ii)(A) is participating in or has successfully completed a problem solving court
2761 program approved by the Judicial Council, including a driving under the
2762 influence court program or a drug court program; and
2763 (B) has elected to become an interlock restricted driver as a condition of probation
2764 during the remainder of the person's suspension or revocation period in
2765 accordance with Section 41-6a-518; or
- 2766 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court
2767 does not have a problem solving court program approved by the Judicial Council
2768 or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the
2769 person:
- 2770 (A) has installed an ignition interlock device in any vehicle owned or driven by
2771 the person in accordance with Section 53-3-1007; and
2772 (B) did not inflict bodily injury upon another as a proximate result of having
2773 operated the vehicle in a negligent manner.
- 2774 (b) If a court shortens a person's license suspension or revocation period in accordance
2775 with the requirements of this Subsection (11), the court shall forward the order
2776 shortening the person's suspension or revocation period to the Driver License
2777 Division in a manner specified by the division.
- 2778 (c) The court shall notify the Driver License Division, in a manner specified by the
2779 Driver License Division, if a person fails to complete or comply with a condition that
2780 allowed the court to shorten the person's license suspension or revocation period
2781 under Subsection (11)(a).

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

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

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

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

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

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

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

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

Section 24. Section **53-3-102** is amended to read:

53-3-102 . Definitions.

As used in this chapter:

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

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

(b) is equipped with:

(i) a steering mechanism;

(ii) seat belts; and

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

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

- 2816 (3) "Class D license" means the class of license issued to drive motor vehicles not defined
2817 as commercial motor vehicles or motorcycles under this chapter.
- 2818 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:
2819 (a) issued under Section 53-3-408; or
2820 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
2821 contained in 49 C.F.R. Part 383.
- 2822 (5) "Commercial driver license" or "CDL" means a license:
2823 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,
2824 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
2825 Uniform Commercial Driver License Act, which authorizes the holder to drive a class
2826 of commercial motor vehicle; and
2827 (b) that was obtained by providing evidence of lawful presence in the United States with
2828 one of the document requirements described in Subsection 53-3-410(1)(i)(i).
- 2829 (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
2830 driving record that:
2831 (i) applies to a person who holds or is required to hold a commercial driver
2832 instruction permit or a CDL license; and
2833 (ii) contains the following:
2834 (A) information contained in the driver history, including convictions, pleas held
2835 in abeyance, disqualifications, and other licensing actions for violations of any
2836 state or local law relating to motor vehicle traffic control, committed in any
2837 type of vehicle;
2838 (B) driver self-certification status information under Section 53-3-410.1; and
2839 (C) information from medical certification record keeping in accordance with 49
2840 C.F.R. Sec. 383.73(o).
- 2841 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
2842 motor vehicle record described in Subsection [~~(30)~~] (32).
- 2843 (7)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor
2844 vehicles designed or used to transport passengers or property if the motor vehicle:
2845 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more
2846 pounds, or gross combination weight rating or gross combination weight of
2847 26,001 or more pounds or a lesser rating as determined by federal regulation;
2848 (ii) is designed to transport 16 or more passengers, including the driver; or
2849 (iii) is transporting hazardous materials and is required to be placarded in accordance

- 2850 with 49 C.F.R. Part 172, Subpart F.
- 2851 (b) The following vehicles are not considered a commercial motor vehicle for purposes
- 2852 of Part 4, Uniform Commercial Driver License Act:
- 2853 (i) equipment owned and operated by the United States Department of Defense when
- 2854 driven by any active duty military personnel and members of the reserves and
- 2855 national guard on active duty including personnel on full-time national guard duty,
- 2856 personnel on part-time training, and national guard military technicians and
- 2857 civilians who are required to wear military uniforms and are subject to the code of
- 2858 military justice;
- 2859 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
- 2860 machinery, or farm supplies to or from a farm within 150 miles of his farm but not
- 2861 in operation as a motor carrier for hire;
- 2862 (iii) firefighting and emergency vehicles;
- 2863 (iv) recreational vehicles that are not used in commerce and are driven solely as
- 2864 family or personal conveyances for recreational purposes; and
- 2865 (v) vehicles used to provide transportation network services, as defined in Section
- 2866 13-51-102.
- 2867 (8) "Conviction" means any of the following:
- 2868 (a) an unvacated adjudication of guilt or a determination that a person has violated or
- 2869 failed to comply with the law in a court of original jurisdiction or an administrative
- 2870 proceeding;
- 2871 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance
- 2872 in court;
- 2873 (c) a plea of guilty or nolo contendere accepted by the court;
- 2874 (d) the payment of a fine or court costs; or
- 2875 (e) violation of a condition of release without bail, regardless of whether the penalty is
- 2876 rebated, suspended, or probated.
- 2877 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
- 2878 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's
- 2879 Security, do not apply.
- 2880 (10) "Director" means the division director appointed under Section 53-3-103.
- 2881 (11) "Disqualification" means either:
- 2882 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of
- 2883 a person's privileges to drive a commercial motor vehicle;

- 2884 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
2885 that a person is no longer qualified to drive a commercial motor vehicle under 49
2886 C.F.R. Part 391; or
- 2887 (c) the loss of qualification that automatically follows conviction of an offense listed in
2888 49 C.F.R. Part 383.51.
- 2889 (12) "Division" means the Driver License Division of the department created in Section
2890 53-3-103.
- 2891 (13) "Downgrade" means to obtain a lower license class than what was originally issued
2892 during an existing license cycle.
- 2893 (14) "Drive" means:
- 2894 (a) to operate or be in physical control of a motor vehicle upon a highway; and
2895 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
2896 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any
2897 place within the state.
- 2898 (15)(a) "Driver" means an individual who drives, or is in actual physical control of a
2899 motor vehicle in any location open to the general public for purposes of vehicular
2900 traffic.
- 2901 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
2902 who is required to hold a CDL under Part 4, Uniform Commercial Driver License
2903 Act, or federal law.
- 2904 (16) "Driving privilege card" means the evidence of the privilege granted and issued under
2905 this chapter to drive a motor vehicle to a person whose privilege was obtained without
2906 providing evidence of lawful presence in the United States.
- 2907 (17) "Electronic license certificate" means the evidence, in an electronic format as
2908 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
2909 vehicle.
- 2910 (18) "Extension" means a renewal completed in a manner specified by the division.
- 2911 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
2912 implement for drawing plows, mowing machines, and other implements of husbandry.
- 2913 (20) "Highway" means the entire width between property lines of every way or place of any
2914 nature when any part of it is open to the use of the public, as a matter of right, for traffic.
- 2915 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 2916 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to a
2917 person for identification purposes.

- 2918 (23) "Indigent" means that a person's income falls below the federal poverty guideline
2919 issued annually by the United States Department of Health and Human Services in the
2920 Federal Register.
- 2921 (24) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 2922 (25) "Interdicted person identifier" means language and other security features on a license
2923 certificate or identification card indicating that the person is an interdicted person, which
2924 features include:
- 2925 (a) the language "No Alcohol Sale"; and
- 2926 (b) other security features identifying the individual as being restricted from purchasing
2927 alcohol, including a prominent red stripe on the front of the license or identification
2928 card.
- 2929 [(24)] (26) "License" means the privilege to drive a motor vehicle.
- 2930 [(25)] (27)(a) "License certificate" means the evidence of the privilege issued under this
2931 chapter to drive a motor vehicle.
- 2932 (b) "License certificate" evidence includes:
- 2933 (i) a regular license certificate;
- 2934 (ii) a limited-term license certificate;
- 2935 (iii) a driving privilege card;
- 2936 (iv) a CDL license certificate;
- 2937 (v) a limited-term CDL license certificate;
- 2938 (vi) a temporary regular license certificate;
- 2939 (vii) a temporary limited-term license certificate; and
- 2940 (viii) an electronic license certificate created in Section 53-3-235.
- 2941 [(26)] (28) "Limited-term commercial driver license" or "limited-term CDL" means a
2942 license:
- 2943 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
2944 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with
2945 Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive
2946 a class of commercial motor vehicle; and
- 2947 (b) that was obtained by providing evidence of lawful presence in the United States with
2948 one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
- 2949 [(27)] (29) "Limited-term identification card" means an identification card issued under this
2950 chapter to a person whose card was obtained by providing evidence of lawful presence
2951 in the United States with one of the document requirements described in Subsection

2952 53-3-804(2)(i)(ii).

2953 ~~[(28)]~~ (30) "Limited-term license certificate" means the evidence of the privilege granted
2954 and issued under this chapter to drive a motor vehicle to a person whose privilege was
2955 obtained providing evidence of lawful presence in the United States with one of the
2956 document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

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

2958 ~~[(30)]~~ (32) "Motor vehicle record" or "MVR" means a driving record under Subsection
2959 53-3-109(7)(a).

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

2961 ~~[(32)]~~ (34) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
2962 saddle for the use of the rider and designed to travel with not more than three wheels in
2963 contact with the ground.

2964 ~~[(33)]~~ (35) "Office of Recovery Services" means the Office of Recovery Services, created in
2965 Section 26B-9-103.

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

2967 ~~[(35)]~~ (37)(a) "Owner" means a person other than a lien holder having an interest in the
2968 property or title to a vehicle.

2969 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a
2970 security interest in another person but excludes a lessee under a lease not intended as
2971 security.

2972 ~~[(36)]~~ (38) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,
2973 or other financial penalty imposed on an individual by a court or other government
2974 entity.

2975 ~~[(37)]~~ (39)(a) "Private passenger carrier" means any motor vehicle for hire that is:

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

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

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

2979 (i) a taxicab;

2980 (ii) a motor vehicle driven by a transportation network driver as defined in Section
2981 13-51-102;

2982 (iii) a motor vehicle driven for transportation network services as defined in Section
2983 13-51-102; and

2984 (iv) a motor vehicle driven for a transportation network company as defined in
2985 Section 13-51-102 and registered with the Division of Consumer Protection as

2986 described in Section 13-51-104.

2987 ~~[(38)]~~ (40) "Regular identification card" means an identification card issued under this
2988 chapter to a person whose card was obtained by providing evidence of lawful presence
2989 in the United States with one of the document requirements described in Subsection
2990 53-3-804(2)(i)(i).

2991 ~~[(39)]~~ (41) "Regular license certificate" means the evidence of the privilege issued under
2992 this chapter to drive a motor vehicle whose privilege was obtained by providing
2993 evidence of lawful presence in the United States with one of the document requirements
2994 described in Subsection 53-3-205(8)(a)(ii)(A).

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

2996 ~~[(41)]~~ (43) "Reportable violation" means an offense required to be reported to the division
2997 as determined by the division and includes those offenses against which points are
2998 assessed under Section 53-3-221.

2999 ~~[(42)]~~ (44)(a) "Resident" means an individual who:

3000 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
3001 regardless of domicile, remains in this state for an aggregate period of six months
3002 or more during any calendar year;

3003 (ii) engages in a trade, profession, or occupation in this state, or who accepts
3004 employment in other than seasonal work in this state, and who does not commute
3005 into the state;

3006 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
3007 license certificate or motor vehicle registration; or

3008 (iv) declares himself a resident of this state to obtain privileges not ordinarily
3009 extended to nonresidents, including going to school, or placing children in school
3010 without paying nonresident tuition or fees.

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

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

3013 (ii) an out-of-state student, as classified by an institution of higher education,
3014 regardless of whether the student engages in any type of employment in this state;

3015 (iii) a person domiciled in another state or country, who is temporarily assigned in
3016 this state, assigned by or representing an employer, religious or private
3017 organization, or a governmental entity; or

3018 (iv) an immediate family member who resides with or a household member of a
3019 person listed in Subsections ~~[(42)(b)(i)]~~ (44)(b)(i) through (iii).

3020 ~~[(43)]~~ (45) "Revocation" means the termination by action of the division of a licensee's
3021 privilege to drive a motor vehicle.

3022 ~~[(44)]~~ (46)(a) "School bus" means a commercial motor vehicle used to transport
3023 pre-primary, primary, or secondary school students to and from home and school, or
3024 to and from school sponsored events.

3025 (b) "School bus" does not include a bus used as a common carrier as defined in Section
3026 59-12-102.

3027 ~~[(45)]~~ (47) "Suspension" means the temporary withdrawal by action of the division of a
3028 licensee's privilege to drive a motor vehicle.

3029 ~~[(46)]~~ (48) "Taxicab" means any class D motor vehicle transporting any number of
3030 passengers for hire and that is subject to state or federal regulation as a taxi.

3031 Section 25. Section **53-3-104** is amended to read:

3032 **53-3-104 . Division duties.**

3033 The division shall:

3034 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make
3035 rules:

3036 (a) for examining applicants for a license, as necessary for the safety and welfare of the
3037 traveling public;

3038 (b) for acceptable documentation of an applicant's identity, Social Security number,
3039 Utah resident status, Utah residence address, proof of legal presence, proof of
3040 citizenship in the United States, honorable or general discharge from the United
3041 States military, and other proof or documentation required under this chapter;

3042 (c) for acceptable documentation to verify that an individual is homeless as verified by
3043 the Department of Workforce Services, for purposes of residency, address
3044 verification, and obtaining a fee waiver;

3045 (d) regarding the restrictions to be imposed on an individual driving a motor vehicle
3046 with a temporary learner permit or learner permit;

3047 ~~(e)~~ regarding the format and restrictions for an interdicted person identifier on a license
3048 certificate and identification card;

3049 ~~[(e)]~~ (f) for exemptions from licensing requirements as authorized in this chapter;

3050 ~~[(f)]~~ (g) establishing procedures for the storage and maintenance of applicant information
3051 provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and

3052 ~~[(g)]~~ (h) to provide educational information to each applicant for a license, which
3053 information shall be based on data provided by the Division of Air Quality, including:

- 3054 (i) ways drivers can improve air quality; and
3055 (ii) the harmful effects of vehicle emissions;
- 3056 (2) examine each applicant according to the class of license applied for;
3057 (3) license motor vehicle drivers;
- 3058 (4) file every application for a license received by the division and shall maintain indices
3059 containing:
- 3060 (a) all applications denied and the reason each was denied;
3061 (b) all applications granted; and
3062 (c) the name of every licensee whose license has been suspended, disqualified, or
3063 revoked by the division and the reasons for the action;
- 3064 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
3065 chapter;
- 3066 (6) file all accident reports and abstracts of court records of convictions received by the
3067 division under state law;
- 3068 (7) maintain a record of each licensee showing the licensee's convictions and the traffic
3069 accidents in which the licensee has been involved where a conviction has resulted;
- 3070 (8) consider the record of a licensee upon an application for renewal of a license and at
3071 other appropriate times;
- 3072 (9) search the license files, compile, and furnish a report on the driving record of any
3073 individual licensed in the state in accordance with Section 53-3-109;
- 3074 (10) develop and implement a record system as required by Section 41-6a-604;
- 3075 (11) in accordance with Section 53G-10-507, establish:
- 3076 (a) procedures and standards to certify teachers of driver education classes to administer
3077 knowledge and skills tests;
- 3078 (b) minimal standards for the tests; and
3079 (c) procedures to enable school districts to administer or process any tests for students to
3080 receive a class D operator's license;
- 3081 (12) in accordance with Section 53-3-510, establish:
- 3082 (a) procedures and standards to certify licensed instructors of commercial driver training
3083 school courses to administer the skills test;
- 3084 (b) minimal standards for the test; and
3085 (c) procedures to enable licensed commercial driver training schools to administer or
3086 process skills tests for students to receive a class D operator's license;
- 3087 (13) provide administrative support to the Driver License Medical Advisory Board created

3088 in Section 53-3-303;

3089 (14) upon request by the lieutenant governor, provide the lieutenant governor with a digital

3090 copy of the driver license or identification card signature of an individual who is an

3091 applicant for voter registration under Section 20A-2-206;

3092 (15) in accordance with Section 53-3-407.1, establish:

3093 (a) procedures and standards to license a commercial driver license third party tester or

3094 commercial driver license third party examiner to administer the commercial driver

3095 license skills tests;

3096 (b) minimum standards for the commercial driver license skills test; and

3097 (c) procedures to enable a licensed commercial driver license third party tester or

3098 commercial driver license third party examiner to administer a commercial driver

3099 license skills test for an applicant to receive a commercial driver license;[~~and~~]

3100 (16) receive from the Department of Health and Human Services a result from a blood or

3101 urine test of an individual arrested for driving under the influence and use the blood or

3102 urine test result in an administrative hearing or agency review involving the individual

3103 who is the subject of the blood or urine test as described in Section 53-3-111[-] ; and

3104 (17) as soon as practicable, ensure that a license and identification card includes the ability

3105 to provide information about restrictions on the license or identification card through an

3106 electronic scan.

3107 Section 26. Section **53-3-105** is amended to read:

3108 **53-3-105 . Fees for licenses, renewals, extensions, reinstatements, rescheduling,**

3109 **and identification cards.**

3110 Except as provided in Subsection (39), the following fees apply under this chapter:

3111 (1) An original class D license application under Section 53-3-205 is \$52.

3112 (2) An original provisional license application for a class D license under Section 53-3-205

3113 is \$39.

3114 (3) An original limited term license application under Section 53-3-205 is \$32.

3115 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.

3116 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.

3117 (6) A learner permit application under Section 53-3-210.5 is \$19.

3118 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)

3119 applies.

3120 (8) A renewal of a provisional license application for a class D license under Section

3121 53-3-214 is \$52.

- 3122 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.
- 3123 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.
- 3124 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.
- 3125 (12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is
- 3126 \$27.
- 3127 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)
- 3128 applies.
- 3129 (14) An extension of a provisional license application for a class D license under Section
- 3130 53-3-214 is \$42.
- 3131 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.
- 3132 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.
- 3133 (17) An extension of a class D license for an individual 65 and older under Section 53-3-214
- 3134 is \$22.
- 3135 (18) An original or renewal application for a commercial class A, B, or C license or an
- 3136 original or renewal of a provisional commercial class A or B license under Part 4,
- 3137 Uniform Commercial Driver License Act, is \$52.
- 3138 (19) A commercial class A, B, or C license skills test is \$78.
- 3139 (20) Each original CDL endorsement for passengers, hazardous material, double or triple
- 3140 trailers, or tankers is \$9.
- 3141 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
- 3142 Driver License Act, is \$9.
- 3143 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License
- 3144 Act, is \$9.
- 3145 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
- 3146 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 3147 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 3148 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 3149 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.
- 3150 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
- 3151 combination of alcohol and any drug-related offense is \$45 in addition to the fee
- 3152 under Subsection (26)(a).
- 3153 (27)(a) An administrative fee for license reinstatement after an alcohol, drug, or
- 3154 combination of alcohol and any drug-related offense under Section 41-6a-520,
- 3155 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any

- 3156 drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.
- 3157 (b) This administrative fee is in addition to the fees under Subsection (26).
- 3158 (28)(a) An administrative fee for providing the driving record of a driver under Section
- 3159 53-3-104 or 53-3-420 is \$8.
- 3160 (b) The division may not charge for a report furnished under Section 53-3-104 to a
- 3161 municipal, county, state, or federal agency.
- 3162 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 3163 (30)(a) Except as provided under Subsections (30)(b) and (c), an identification card
- 3164 application under Section 53-3-808 is \$23.
- 3165 (b) An identification card application under Section 53-3-808 for a person with a
- 3166 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 3167 (c) A fee may not be charged for an identification card application if the individual
- 3168 applying:
- 3169 (i)(A) has not been issued a Utah driver license;
- 3170 (B) is indigent; and
- 3171 (C) is at least 18 years old;
- 3172 (ii) submits written verification that the individual is homeless, as defined in Section
- 3173 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child
- 3174 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 3175 (A) a homeless shelter, as defined in Section 35A-16-305;
- 3176 (B) a permanent housing, permanent, supportive, or transitional facility, as defined
- 3177 in Section 35A-5-302;
- 3178 (C) the Department of Workforce Services; or
- 3179 (D) a local educational agency liaison for homeless children and youth designated
- 3180 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
- 3181 (iii) is under~~[the age of]~~ 26 years old and submits written verification that the
- 3182 individual:
- 3183 (A) is in the custody of the Division of Child and Family Services; or
- 3184 (B) was in the custody of the Division of Child and Family Services but is no
- 3185 longer in the custody of the Division of Child and Family Services due to the
- 3186 individual's age.
- 3187 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a
- 3188 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 3189 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written

3190 verification that the individual is homeless, as defined in Section 26B-3-207, or a
3191 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is
3192 homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

- 3193 (i) a homeless shelter, as defined in Section 35A-16-305;
- 3194 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
3195 Section 35A-5-302;
- 3196 (iii) the Department of Workforce Services;
- 3197 (iv) a homeless service provider as verified by the Department of Workforce Services
3198 as described in Section 26B-8-113; or
- 3199 (v) a local educational agency liaison for homeless children and youth designated
3200 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

3201 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is
3202 \$23.

3203 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written
3204 verification that the individual is homeless, as defined in Section 26B-3-207, or a
3205 person who is homeless, as defined in Section 35A-5-302, from:

- 3206 (i) a homeless shelter, as defined in Section 35A-16-305;
- 3207 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
3208 Section 35A-5-302;
- 3209 (iii) the Department of Workforce Services; or
- 3210 (iv) a homeless service provider as verified by the Department of Workforce Services
3211 as described in Section 26B-8-113.

3212 (33) In addition to any license application fees collected under this chapter, the division
3213 shall impose on individuals submitting fingerprints in accordance with Section
3214 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for
3215 the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

3216 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.

3217 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

3218 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.

3219 (37) An original driving privilege card application under Section 53-3-207 is \$32.

3220 (38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.

3221 (39) A fee may not be charged for an original class D license application, original
3222 provisional license application for a class D license, or a learner permit application if the
3223 individual applying is:

- 3224 (a) under ~~[the age of]~~ 26 years old; and
- 3225 (b) submits written verification that the individual:
- 3226 (i) is in the custody of the Division of Child and Family Services; or
- 3227 (ii) was in the custody of the Division of Child and Family Services but is no longer
- 3228 in the custody of the Division of Child and Family Services due to the individual's
- 3229 age.
- 3230 (40) An administrative fee to add an interdicted person identifier to a license certificate
- 3231 under Section 53-3-236 or identification card under Section 53-3-805 is \$7.
- 3232 Section 27. Section **53-3-236** is enacted to read:
- 3233 **53-3-236 . Interdicted person identifier -- License notation.**
- 3234 (1) If the division receives a notification from a court as provided in Section 41-6a-505,
- 3235 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the
- 3236 division:
- 3237 (a)(i) may accept an application from the individual for a duplicate license that
- 3238 includes an interdicted person identifier; and
- 3239 (ii) if the individual submits an application and qualifies for a license certificate, may
- 3240 provide a license certificate with the interdicted person identifier; or
- 3241 (b)(i) may accept an application from the individual for a renewal of a license or an
- 3242 original license with an interdicted person identifier; and
- 3243 (ii) if the individual submits an application and qualifies for a license certificate, may
- 3244 provide a license certificate with an interdicted person identifier.
- 3245 (2) The division may not provide to an individual a license certificate without the
- 3246 interdicted person identifier during the time period the court has designated the person
- 3247 as an interdicted person.
- 3248 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or
- 3249 renewal of a license that includes an interdicted person identifier.
- 3250 (b) An individual that voluntarily applies for a duplicate license, original license, or
- 3251 renewal of a license with an interdicted person identifier may not apply for another
- 3252 duplicate license, original license, or renewal of a license without the interdicted
- 3253 person identifier for at least 30 days after the application for the license certificate
- 3254 with the interdicted person identifier.
- 3255 (4) An individual may not hold a license certificate with an interdicted person identifier
- 3256 while also holding another license certificate.
- 3257 (5) The division may charge an administrative fee as described in Subsection 53-3-105(40)

3258 to an individual to process and provide a license certificate with an interdicted person
3259 identifier.

3260 (6) An individual who is designated as an interdicted person by a court is subject to the
3261 duplicate license fee and other fees necessary to administer the license certificate with
3262 the interdicted person identifier.

3263 Section 28. Section **53-3-805** is amended to read:

3264 **53-3-805 . Identification card -- Contents -- Specifications.**

3265 (1) As used in this section:

3266 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.

3267 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.

3268 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.

3269 (d) "Invisible condition identification symbol" means the same as that term is defined in
3270 Section 53-3-207.

3271 (2)(a) The division shall issue an identification card that bears:

3272 (i) the distinguishing number assigned to the individual by the division;

3273 (ii) the name, birth date, and Utah residence address of the individual;

3274 (iii) a brief description of the individual for the purpose of identification;

3275 (iv) a photograph of the individual;

3276 (v) a photograph or other facsimile of the individual's signature;

3277 (vi) an indication whether the individual intends to make an anatomical gift under

3278 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and

3279 (vii) if the individual states that the individual is a veteran of the United States

3280 military on the application for an identification card in accordance with Section

3281 53-3-804 and provides verification that the individual received an honorable or

3282 general discharge from the United States Armed Forces, an indication that the

3283 individual is a United States military veteran for a regular identification card or a

3284 limited-term identification card issued on or after July 1, 2011.

3285 (b) An identification card issued by the division may not bear the individual's social
3286 security number or place of birth.

3287 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and
3288 alteration.

3289 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
3290 prescribed by the commissioner.

3291 (4) At the applicant's request, the card may include a statement that the applicant has a

- 3292 special medical problem or allergies to certain drugs, for the purpose of medical
3293 treatment.
- 3294 (5)(a) The division shall include or affix an invisible condition identification symbol on
3295 an individual's identification card if the individual or the individual's authorized
3296 guardian, on a form prescribed by the department:
- 3297 (i) requests the division to include the invisible condition identification symbol;
3298 (ii) provides written verification from a health care professional that the individual is
3299 an individual with an invisible condition; and
3300 (iii) submits a signed waiver of liability for the release of any medical information to:
- 3301 (A) the department;
3302 (B) any person who has access to the individual's medical information as recorded
3303 on the individual's driving record or the Utah Criminal Justice Information
3304 System under this chapter;
3305 (C) any other person who may view or receive notice of the individual's medical
3306 information by seeing the individual's identification card or the individual's
3307 information in the Utah Criminal Justice Information System;
3308 (D) a local law enforcement agency that receives a copy of the form described in
3309 this Subsection (5)(a) and enters the contents of the form into the local law
3310 enforcement agency's record management system or computer-aided dispatch
3311 system; and
3312 (E) a dispatcher who accesses the information regarding the individual's invisible
3313 condition through the use of a local law enforcement agency's record
3314 management system or computer-aided dispatch system.
- 3315 (b) As part of the form described in Subsection (5)(a), the department shall advise the
3316 individual or the individual's authorized guardian that by submitting the request and
3317 signed waiver, the individual or the individual's authorized guardian consents to the
3318 release of the individual's medical information to any person described in Subsection
3319 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
3320 information under state or federal law.
- 3321 (c) The division may not:
- 3322 (i) charge a fee to include the invisible condition identification symbol on the
3323 individual's identification card; or
3324 (ii) after including the invisible condition identification symbol on the individual's
3325 previously issued identification card, require the individual to provide subsequent

- 3326 written verification described in Subsection (5)(a)(ii) to include the invisible
3327 condition identification symbol on the individual's extended identification card.
- 3328 (d) The division shall confirm with the Division of Professional Licensing that the health
3329 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 3330 (e) The inclusion of an invisible condition identification symbol on an individual's
3331 identification card in accordance with Subsection (5)(a) does not confer any legal
3332 rights or privileges on the individual, including parking privileges for individuals
3333 with disabilities under Section 41-1a-414.
- 3334 (f) For each individual issued an identification card under this section that includes an
3335 invisible condition identification symbol, the division shall include in the division's
3336 database a brief description of the nature of the individual's invisible condition in the
3337 individual's record and provide the brief description to the Utah Criminal Justice
3338 Information System.
- 3339 (g) Except as provided in this section, the division may not release the information
3340 described in Subsection (5)(f).
- 3341 (h) Within 30 days after the day on which the division receives an individual's or the
3342 individual's authorized guardian's written request, the division shall:
- 3343 (i) remove from the individual's record in the division's database the invisible
3344 condition identification symbol and the brief description described in Subsection
3345 (5)(f); and
- 3346 (ii) provide the individual's updated record to the Utah Criminal Justice Information
3347 System.
- 3348 (6)(a) If the division receives a notification from a court as provided in Section
3349 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted
3350 person, the division:
- 3351 (i) may accept an application from the individual for an identification card that
3352 includes an interdicted person identifier; and
- 3353 (ii) if the individual submits an application and qualifies for an identification card,
3354 may provide an identification card with the interdicted person identifier.
- 3355 (b)(i) An individual may voluntarily apply for an identification card that includes an
3356 interdicted person identifier.
- 3357 (ii) An individual that voluntarily applies for an identification card with an
3358 interdicted person identifier may not apply for another identification card without
3359 the interdicted person identifier for at least 30 days after the application for the

3360 identification card with the interdicted person identifier.

3361 (c) The division may not provide to an individual an identification card without the

3362 interdicted person identifier during the time period the court has designated the

3363 person as an interdicted person.

3364 (d) The division may charge an administrative fee as described in Subsection

3365 53-3-105(40) to an individual to process and provide an identification card with an

3366 interdicted person identifier.

3367 (e) An individual who is designated as an interdicted person by a court is subject to the

3368 identification card fee and other fees necessary to administer the identification card

3369 with an interdicted person identifier.

3370 [(6)] (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a)

3371 is a private record for purposes of Title 63G, Chapter 2, Government Records Access

3372 and Management Act.

3373 [(7)] (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be

3374 authenticated by the applicant in accordance with division rule.

3375 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and

3376 Management Act, the division may, upon request, release to an organ procurement

3377 organization, as defined in Section 26B-8-301, the names and addresses of all

3378 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make

3379 an anatomical gift.

3380 (ii) An organ procurement organization may use released information only to:

3381 (A) obtain additional information for an anatomical gift registry; and

3382 (B) inform applicants of anatomical gift options, procedures, and benefits.

3383 [(8)] (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and

3384 Management Act, the division may release to the Department of Veterans and Military

3385 Affairs the names and addresses of all individuals who indicate their status as a veteran

3386 under Subsection 53-3-804(2)(l).

3387 [(9)] (10) The division and the division's employees are not liable, as a result of false or

3388 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or

3389 indirect:

3390 (a) loss;

3391 (b) detriment; or

3392 (c) injury.

3393 [(10)] (11)(a) The division may issue a temporary regular identification card to an

individual while the individual obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

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

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

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

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

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

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

Section 29. Section **53-3-808** is amended to read:

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

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

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

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

Section 30. Section **64-13-30.5** is amended to read:

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

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

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

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

- (i) account for all postsecondary education tuition costs incurred by the inmate while under the supervision of the department;
- (ii) establish an appropriate time for the inmate to begin payment of postsecondary education tuition costs, which shall require that payments start no later than two years after termination of parole; and
- (iii) establish a payment schedule and payment amounts, including prevailing interest rates, commensurate with student loans currently being offered by local financial institutions.

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

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

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

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

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

Section 31. Section **64-13-42** is amended to read:

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

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

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

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

- 3462 (ii) interest on account money;
- 3463 (iii)(A) money paid by inmates participating in postsecondary education provided
- 3464 by the department; and
- 3465 (B) money repaid by former inmates who have a written agreement with the
- 3466 department to pay for a specified portion of the tuition costs under the
- 3467 department's deferred tuition payment program;
- 3468 (iv) money collected by the Office of State Debt Collection for debt described in
- 3469 Subsection (1)(b)(iii);~~[-and]~~
- 3470 (v) money appropriated by the Legislature~~[-]~~ ;
- 3471 (vi) deposits made under Section 32B-2-304; and
- 3472 (vii) private donations, grants, gifts, bequests, or money made available from any
- 3473 other source.
- 3474 (2) The department shall administer the account for the purposes described in Subsection (3).
- 3475 ~~[(2)]~~ (3) Upon appropriation by the Legislature, the department shall use money from the [
- 3476 Prison Telephone Surcharge] Inmate Education Restricted Account [shall be used by the
- 3477 department for education and training programs for offenders and inmates as defined in
- 3478 Section 64-13-1.] to provide offenders and inmates:
- 3479 (a) vocational training; and
- 3480 (b) higher education coursework needed to obtain an associate's degree.
- 3481 (4) The following entities may provide the services described in Subsection (3):
- 3482 (a) Snow College;
- 3483 (b) Salt Lake Community College; and
- 3484 (c) Davis Technical College.
- 3485 (5) The department may expend money from the account to offset actual department
- 3486 expenses related to administering this section.
- 3487 Section 32. Section **76-5-102.1** is amended to read:
- 3488 **76-5-102.1 . Negligently operating a vehicle resulting in injury.**
- 3489 (1)(a) As used in this section:
- 3490 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 3491 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
- 3492 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
- 3493 76-5-207.
- 3494 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 3495 (b) Terms defined in Section 76-1-101.5 apply to this section.

- 3496 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:
3497 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and
3498 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
3499 test shows that the actor has a blood or breath alcohol concentration of .05
3500 grams or greater at the time of the test;
3501 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
3502 and a drug to a degree that renders the actor incapable of safely operating a
3503 vehicle; or
3504 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
3505 of operation; or
3506 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
3507 another; and
3508 (ii) has in the actor's body any measurable amount of a controlled substance.
- 3509 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
3510 (a)(i) a class A misdemeanor; ~~[-or]~~
3511 (ii) a third degree felony if the actor has two or more driving under the influence
3512 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
3513 years of:
3514 (A) the current conviction; or
3515 (B) the commission of the offense upon which the current conviction is based;
3516 (iii) a third degree felony, if the current conviction is at any time after the conviction
3517 of:
3518 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
3519 that is a felony; or
3520 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of
3521 conviction is reduced under Section 76-3-402; or
3522 (iv) a third degree felony if the bodily injury is serious bodily injury; and
3523 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
3524 violation of this section, regardless of whether the injuries arise from the same
3525 episode of driving.
- 3526 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
3527 Subsection (2)(b) if:
3528 (a) the controlled substance was obtained under a valid prescription or order, directly
3529 from a practitioner while acting in the course of the practitioner's professional

- 3530 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 3531 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 3532 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 3533 58-37-4.2 if:
- 3534 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 3535 to possess controlled substances under Section 58-37-6; and
- 3536 (ii) the substance was administered to the actor by the medical researcher.
- 3537 (5)(a) A judge imposing a sentence under this section may consider:
- 3538 (i) the adult sentencing and supervision length guidelines, as defined in Section
- 3539 63M-7-401.1;
- 3540 (ii) the defendant's history;
- 3541 (iii) the facts of the case;
- 3542 (iv) aggravating and mitigating factors; or
- 3543 (v) any other relevant fact.
- 3544 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 3545 based on the defendant's history under Section 41-6a-505.
- 3546 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
- 3547 provisions for the admissibility of chemical test results under Section 41-6a-516
- 3548 apply to determination and proof of blood alcohol content under this section.
- 3549 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 3550 made in accordance with Subsection 41-6a-502(3).
- 3551 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 3552 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 3553 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 3554 admissible except if prohibited by the Utah Rules of Evidence, the United States
- 3555 Constitution, or the Utah Constitution.
- 3556 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
- 3557 described in this section may not be held in abeyance.
- 3558 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an
- 3559 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
- 3560 not to exceed the probationary period, unless the court finds good cause to order a
- 3561 shorter or longer time.
- 3562 (b) If a court designates a person as an interdicted person as provided in Subsection
- 3563 (6)(a), the court shall:

- 3564 (i) require the person to surrender the person's identification card or driver license;
3565 (ii) notify the Driver License Division that the person is an interdicted person; and
3566 (iii) provide the person's identification card or driver license to the Driver License
3567 Division.

3568 Section 33. Section **76-5-207** is amended to read:

3569 **76-5-207 . Automobile homicide -- Penalties -- Evidence.**

3570 (1)(a) As used in this section:

- 3571 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
3572 (ii) "Criminally negligent" means the same as that term is described in Subsection
3573 76-2-103(4).
3574 (iii) "Drug" means:
3575 (A) a controlled substance;
3576 (B) a drug as defined in Section 58-37-2; or
3577 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
3578 human body, can impair the ability of an individual to safely operate a vehicle.
3579 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
3580 degree of care that reasonable and prudent persons exercise under like or similar
3581 circumstances.
3582 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

3583 (b) Terms defined in Section 76-1-101.5 apply to this section.

3584 (2) An actor commits automobile homicide if the actor:

- 3585 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
3586 death of another individual; and
3587 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
3588 test shows that the actor has a blood or breath alcohol concentration of .05
3589 grams or greater at the time of the test;
3590 (B) is under the influence of alcohol, any drug, or the combined influence of
3591 alcohol and any drug to a degree that renders the actor incapable of safely
3592 operating a vehicle; or
3593 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
3594 of operation; or
3595 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
3596 and
3597 (ii) has in the actor's body any measurable amount of a controlled substance.

- 3598 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
3599 (a) a second degree felony, punishable by a term of imprisonment of not less than five
3600 years nor more than 15 years; and
3601 (b) a separate offense for each victim suffering death as a result of the actor's violation
3602 of this section, regardless of whether the deaths arise from the same episode of
3603 driving.
- 3604 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
3605 (a) the controlled substance was obtained under a valid prescription or order, directly
3606 from a practitioner while acting in the course of the practitioner's professional
3607 practice, or as otherwise authorized by Title 58, Occupations and Professions;
3608 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
3609 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
3610 58-37-4.2 if:
3611 (i) the actor is the subject of medical research conducted by a holder of a valid license
3612 to possess controlled substances under Section 58-37-6; and
3613 (ii) the substance was administered to the actor by the medical researcher.
- 3614 (5)(a) A judge imposing a sentence under this section may consider:
3615 (i) the adult sentencing and supervision length guidelines, as defined in Section
3616 63M-7-401.1;
3617 (ii) the defendant's history;
3618 (iii) the facts of the case;
3619 (iv) aggravating and mitigating factors; or
3620 (v) any other relevant fact.
- 3621 (b) The judge may not impose a lesser sentence than would be required for a conviction
3622 based on the defendant's history under Section 41-6a-505.
- 3623 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
3624 provisions for the admissibility of chemical test results as provided by Section
3625 41-6a-516 apply to determination and proof of blood alcohol content under this
3626 section.
- 3627 (d) A calculation of blood or breath alcohol concentration under this section shall be
3628 made in accordance with Subsection 41-6a-502(3).
- 3629 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
3630 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 3631 (f) Evidence of a defendant's blood or breath alcohol content or drug content is

3632 admissible except when prohibited by the Utah Rules of Evidence, the United States
3633 Constitution, or the Utah Constitution.

3634 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
3635 described in this section may not be held in abeyance.

3636 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
3637 of justice to suspend the imposition of prison, the court shall detail the finding on the
3638 record, including why a suspended prison sentence is in the interest of justice.

3639 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
3640 three years nor more than 15 years if the court details on the record why it is in the
3641 interest of justice.

3642 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
3643 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
3644 not to exceed the probationary period, unless the court finds good cause to order a
3645 shorter or longer time.

3646 (b) If a court designates a person as an interdicted person as provided in Subsection
3647 (8)(a), the court shall:

3648 (i) require the person to surrender the person's identification card or driver license;

3649 (ii) notify the Driver License Division that the person is an interdicted person; and

3650 (iii) provide the person's identification card or driver license to the Driver License
3651 Division.

3652 Section 34. **Effective Date.**

3653 This bill takes effect on May 7, 2025.