

HB0059 compared with HB0059S04

{ amends provisions requiring a licensee to maintain technology to determine the validity of an individual's proof of age; }

19 ▶ authorizes an authorized person to temporarily confiscate a proof of age the authorized person determines is fake; { and }

21 ▶ provides that when a court designates an individual as an interdicted person, the court may require the individual to surrender the individual's Utah driver license or Utah identification card;

24 ▶ provides that an individual who voluntarily applies for a driver license or an identification card with an interdicted person qualifier is not required to pay an administrative fee imposed by the Driver License Division;

27 ▶ provides a coordination clause between this bill and H.B. 597, Alcohol Amendments; and

21 ▶ makes technical changes.

29 Money Appropriated in this Bill:

30 None

31 Other Special Clauses:

32 This bill provides a special effective date.

33 This bill provides retrospective operation.

34 This bill provides a coordination clause.

35 Utah Code Sections Affected:

36 AMENDS:

37 **32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last amended by Laws of Utah 2025, Chapter 471

39 **32B-2-503 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 94**

41 **32B-2-605 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 94**

43 **32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26), as last amended by Laws of Utah 2025, Chapter 471**

45 **32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26), as last amended by Laws of Utah 2025, Chapter 471**

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32B-7-202 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapters 162, 173

49 **41-6a-505 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 471**

51 **41-6a-509 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 471**

53 **53-3-236 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 471**

54 **53-3-805 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 471**

55 **76-5-102.1 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 471**

57 **76-5-207 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 471**

59 **Utah Code Sections affected by Coordination Clause:**

60 **32B-1-407 (05/06/26)** , as as

61 **32B-1-407 (immediate)** , as last amended by Laws of Utah 2025, Chapter 471

62

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

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

66 **32B-1-407. (Effective upon governor's approval) (Applies beginning 01/01/26) Verification of proof of age by applicable licensees.**

34 (1) As used in this section, "applicable licensee" means:

35 [~~(a)~~ a dining club;]

36 [~~(b)~~ (a) a bar;

37 [~~(c)~~ (b) a tavern;

38 [~~(d)~~ (c) a full-service restaurant;

39 [~~(e)~~ (d) a limited-service restaurant;

40 [~~(f)~~ (e) a beer-only restaurant; or

41 [~~(g)~~ (f) an off-premise beer retailer selling, offering for sale, or furnishing beer as described in Subsection 32B-7-202(8).

43 (2) Notwithstanding any other provision of this part, an applicable licensee shall require that an authorized person for the applicable licensee verify proof of age as provided in this section.

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- 46 (3)
- (a) An authorized person is required to verify proof of age under this section before an individual[?] who appears to be 35 years old or younger
- 48 [(a) gains admittance to the premises of a bar licensee or tavern;]
- 49 [(b) procures an alcoholic product on the premises of a dining club licensee; or]
- 50 [(e)] procures an alcoholic product [in a dispensing area in] on the premises of a full-service restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee.
- 53 (b) An authorized person is required to verify proof of age under this section before an individual:
- 55 (i) gains admittance to the premises of a bar licensee or tavern; or
- 56 (ii) purchases beer from an off-premise beer retailer as described in {~~accordance with~~} Subsection 32B-7-202(8).
- 57 ~~{(4)}~~ When verifying proof of age under this Subsection (3), an authorized person shall verify that:
- 94 (i) the individual's age on the proof of age is at least 21 years old;
- 95 (ii) the picture on the proof of age matches the individual; and
- 96 (iii) if the proof of age is a driver license issued by this state, that the individual is not an interdicted person.
- 98 (4) To comply with Subsection (3), an authorized person shall:
- 58 (a) request that the individual present proof of age; and
- 59 (b)
- (i) verify the validity of the proof of age electronically under the verification program created in Subsection (5); or
- 61 (ii) if the proof of age cannot be electronically verified as provided in Subsection (4)(b)(i), request that the individual comply with a process established by the commission by rule.
- 64 (5)
- (a) The commission shall establish by rule an electronic verification program that includes the following:
- 66 (i) the specifications for the technology used by the applicable licensee to electronically verify proof of age, including that the technology display to the person described in Subsection (2) no more than the following for the individual who presents the proof of age:
- 70 (A) the name;
- 71 (B) the age;

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- 72 (C) the number assigned to the individual's proof of age by the issuing authority;
- 73 (D) the birth date;
- 74 (E) the gender; and
- 75 (F) the status and expiration date of the individual's proof of age; and
- 76 (ii) the security measures that shall be used by an applicable licensee to ensure that information
obtained under this section is:
- 78 (A) used by the applicable licensee only for purposes of verifying proof of age in accordance with this
section; and
- 80 (B) retained by the applicable licensee for seven days after the day on which the applicable licensee
obtains the information.
- 82 (b) The commission shall ensure that the electronic verification program described in Subsection (5)
(a) includes technology that [~~recognizes every state's unique hidden security features located on
state issued identification cards to determine the validity of that particular card.~~] can determine the
validity of a state issued identification card from the barcode located on the back of the state issued
identification card by:
- 87 (i) comparing the card's barcode to other legitimate barcodes; or
- 88 (ii) identifying patterns within legitimate state issued identification cards.
- 89 (6)
- (a) An applicable licensee may not disclose information obtained under this section except as provided
under this title.
- 91 (b) Information obtained under this section is considered a record for any purpose under Chapter 5, Part
3, Retail Licensee Operational Requirements.
- 93 (7)
- (a) If, after an authorized person requests that an individual present proof of age in accordance with
Subsection (4), the authorized person determines that the proof of age the individual presents is fake
or the electronic verification program described in Subsection (5) determines that the proof of age
is fake, the authorized person { shall immediately call and request that law enforcement to verify the
validity of the proof of age.} may, subject to Subsection (7)(b):
- 139 (i) if the proof of age is a physical proof of age, temporarily confiscate the proof of age; and
- 141 (ii) call law enforcement and request that law enforcement verify the validity of the proof of age.
- 99 (b) {Hf} When an authorized person calls law enforcement in accordance with this Subsection (7):

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- 100 (i) if law enforcement is unavailable to verify the validity of the proof of age within 30 minutes, the
authorized person{~~;~~} shall immediately return the proof of age to the individual{~~;~~} ; or
- 102 (A){(ii)} ~~{inform}~~ if law enforcement is available to verify the validity of the ~~{fake}~~ proof of age{~~;~~}
within 30 minutes, the authorized person may maintain control over the proof of age until law
enforcement arrives to verify the proof of age.
- 103 ~~{(F)} {request that law enforcement confirm or deny the validity of the proof of age; and}~~
- 105 ~~{(H)} {provide the proof of age to law enforcement.}~~
- 151 Section 2. Section 32B-2-503 is amended to read:
- 152 **32B-2-503. Operational requirements for a state store.**
- 154 (1)
- (a) A state store shall display in a prominent place in the store a sign in large letters that consists of text
in the following order:
- 156 (i) a header that reads: "WARNING";
- 157 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth
defects and permanent brain damage for the child.";
- 159 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most
current toll-free number] with questions or for more information.";
- 161 (iv) a header that reads: "WARNING"; and
- 162 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious
crime that is prosecuted aggressively in Utah."
- 164 (b)
- (i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different font style than the text
described in Subsections (1)(a)(iv) and (v).
- 166 (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the same font size.
- 168 (c) The Department of Health shall work with the commission and department to facilitate consistency
in the format of a sign required under this section.
- 170 (2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by the commission.
- 172 (3) A state store may not sell, offer for sale, or furnish liquor to:
- 173 (a) a minor;
- 174 (b) a person actually, apparently, or obviously intoxicated;
- 175 (c) a known interdicted person; or

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- 176 (d) a known habitual drunkard.
- 177 (4)
- (a) A state store employee may not:
- 178 (i) consume an alcoholic product on the premises of a state store; or
- 179 (ii) allow any person to consume an alcoholic product on the premises of a state store.
- 180 (b) A violation of this Subsection (4) is a class B misdemeanor.
- 181 (5)
- (a) Sale or delivery of liquor may not be made on or from the premises of a state store, and a state store may not be kept open for the sale of liquor:
- 183 (i) on Sunday; or
- 184 (ii) on a state or federal legal holiday.
- 185 (b) Sale or delivery of liquor may be made on or from the premises of a state store, and a state store may be open for the sale of liquor, only on a day and during hours that the commission directs by rule or order.
- 188 (6)
- (a) A minor may not be admitted into, or be on the premises of, a state store unless accompanied by a person who is:
- 190 (i) 21 years [~~of age~~] old or older; and
- 191 (ii) the minor's parent, legal guardian, or spouse.
- 192 (b) A state store employee that has reason to believe that a person who is on the premises of a state store is under [~~the age of 21~~] 21 years old and is not accompanied by a person described in Subsection (6)
- (a) may:
- 195 (i) ask the suspected minor for proof of age;
- 196 (ii) ask the person who accompanies the suspected minor for proof of age; and
- 197 (iii) ask the suspected minor or the person who accompanies the suspected minor for proof of parental, guardianship, or spousal relationship.
- 199 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the person who accompanies the suspected minor into the state store if the suspected minor or person fails to provide information specified in Subsection (6)(b).

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(d) A state store employee shall require a suspected minor and the person who accompanies the suspected minor into the state store to immediately leave the premises of the state store if the suspected minor or person fails to provide information specified in Subsection (6)(b).

206 (7)

(a) A state store may not sell, offer for sale, or furnish liquor except in a sealed container.

208 (b) A person may not open a sealed container on the premises of a state store.

209 (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish heavy beer in a sealed container that exceeds two liters.

211 (9) A state store may not sell, offer for sale, or furnish:

212 (a) liquor that is intended to be frozen and consumed in a manner other than as a beverage, including liquor in the form of a freeze pop, popsicle, ice cream, or sorbet; or

215 (b) liquor that contains more than 80% alcohol by volume.

216 (10)

(a) Before the sale or furnishing of an alcoholic product to an individual, a state store shall require that the individual provide proof of age.

218 (b) If the proof of age provided required by Subsection (10)(a) is a Utah driver license or an identification card, the state store shall verify that the individual is not an interdicted person.

221 Section 3. Section 32B-2-605 is amended to read:

222 **32B-2-605. Operational requirements for package agency.**

224 (1)

(a) A person may not operate a package agency until a package agency agreement is entered into by the package agent and the department.

226 (b) A package agency agreement shall state the conditions of operation by which the package agent and the department are bound.

228 (c)

(i) If a package agent or staff of the package agent violates this title, rules under this title, or the package agency agreement, the department may take any action against the package agent that is allowed by the package agency agreement.

231 (ii) An action against a package agent is governed solely by its package agency agreement and may include suspension or revocation of the package agency.

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- (iii) A package agency agreement shall provide procedures to be followed if a package agent fails to pay money owed to the department including a procedure for replacing the package agent or operator of the package agency.
- 236 (iv) A package agency agreement shall provide that the package agency is subject to covert
investigations for selling an alcoholic product to a minor.
- 238 (v) Notwithstanding that this part refers to "package agency" or "package agent," staff of the package
agency or package agent is subject to the same requirement or prohibition.
- 241 (2)
- (a) A package agency shall be operated by an individual who is either:
- 242 (i) the package agent; or
- 243 (ii) an individual designated by the package agent.
- 244 (b) An individual who is a designee under this Subsection (2) shall be:
- 245 (i) an employee of the package agent; and
- 246 (ii) responsible for the operation of the package agency.
- 247 (c) The conduct of the designee is attributable to the package agent.
- 248 (d) A package agent shall submit the name of the person operating the package agency to the
department for the department's approval.
- 250 (e) A package agent shall state the name and title of a designee on the application for a package agency.
- 252 (f) A package agent shall:
- 253 (i) inform the department of a proposed change in the individual designated to operate a package
agency; and
- 255 (ii) receive prior approval from the department before implementing the change described in this
Subsection (2)(f).
- 257 (g) Failure to comply with the requirements of this Subsection (2) may result in the immediate
termination of a package agency agreement.
- 259 (3)
- (a) A package agent shall display in a prominent place in the package agency the record issued by the
commission that designates the package agency.
- 261 (b) A package agent that displays or stores liquor at a location visible to the public shall display in a
prominent place in the package agency a sign in large letters that consists of text in the following
order:

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- 264 (i) a header that reads: "WARNING";
- 265 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
- 267 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
- 269 (iv) a header that reads: "WARNING"; and
- 270 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
- 272 (c)
- (i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different font style than the text described in Subsections (3)(b)(iv) and (v).
- 274 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the same font size.
- 276 (d) The Department of Health and Human Services shall work with the commission and department to facilitate consistency in the format of a sign required under this section.
- 278 (4) A package agency may not display liquor or a price list in a window or showcase that is visible to passersby.
- 280 (5)
- (a) A package agency may not purchase liquor from a person except from the department.
- 282 (b) At the discretion of the department, the department may provide liquor to a package agency for sale on consignment.
- 284 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place other than as designated in the package agent's application, unless the package agent first applies for and receives approval from the department for a change of location within the package agency premises.
- 288 (7)
- (a) Except as provided in Subsection (7)(b), a package agency may not sell, offer for sale, or furnish liquor except at a price fixed by the commission.
- 290 (b) A package agency may provide as room service one alcoholic product free of charge per guest reservation, per guest room, if:
- 292 (i) the package agency is the type of package agency that authorizes the package agency to sell, offer for sale, or furnish an alcoholic product as part of room service;
- 295 (ii) staff of the package agency provides the alcoholic product:

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- 296 (A) in person; and
297 (B) only to an adult guest in the guest room;
298 (iii) staff of the package agency does not leave the alcoholic product outside a guest room for retrieval
by a guest; and
300 (iv) the alcoholic product:
301 (A) is not a spirituous liquor; and
302 (B) is in an unopened container not to exceed 750 milliliters.
303 (8) A package agency may not sell, offer for sale, or furnish liquor to:
304 (a) a minor;
305 (b) a person actually, apparently, or obviously intoxicated;
306 (c) a known interdicted person; or
307 (d) a known habitual drunkard.
308 (9)
(a) A package agency may not employ a minor to handle liquor.
309 (b)
(i) Staff of a package agency may not:
310 (A) consume an alcoholic product on the premises of a package agency; or
311 (B) allow any person to consume an alcoholic product on the premises of a package agency.
312 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.
313 (10)
314 (a) A package agency may not close or cease operation for a period longer than 72 hours, unless:
316 (i) the package agency notifies the department in writing at least seven days before the day on
which the package agency closes or ceases operation; and
318 (ii) the closure or cessation of operation is first approved by the department.
319 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package agency shall
immediately notify the department by telephone.
321 (c)
(i) The department may authorize a closure or cessation of operation for a period not to exceed 60 days.
323 (ii) The department may extend the initial period described in Subsection (10)(c)(i) an additional 30
days upon written request of the package agency and upon a showing of good cause.
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- (iii) A closure or cessation of operation may not exceed a total of 90 days without commission approval.
- 328 (d) The notice required by Subsection (10)(a) shall include:
- 329 (i) the dates of closure or cessation of operation;
- 330 (ii) the reason for the closure or cessation of operation; and
- 331 (iii) the date on which the package agency will reopen or resume operation.
- 332 (e) Failure of a package agency to provide notice and to obtain department authorization before closure or cessation of operation results in an automatic termination of the package agency agreement effective immediately.
- 335 (f) Failure of a package agency to reopen or resume operation by the approved date results in an automatic termination of the package agency agreement effective on that date.
- 338 (11) A package agency may not transfer the package agency's operations from one location to another location without prior written approval of the commission.
- 340 (12)
- (a) A person, having been issued a package agency, may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the package agency to another person, whether for monetary gain or not.
- 343 (b) A package agency has no monetary value for any type of disposition.
- 344 (13)
- (a) Subject to the other provisions of this Subsection (13):
- 345 (i) sale or delivery of liquor may not be made on or from the premises of a package agency, and a package agency may not be kept open for the sale of liquor:
- 347 (A) on Sunday; or
- 348 (B) on a state or federal legal holiday; and
- 349 (ii) sale or delivery of liquor may be made on or from the premises of a package agency, and a package agency may be open for the sale of liquor, only on a day and during hours that the commission directs by rule or order.
- 352 (b) A package agency located at a manufacturing facility is not subject to Subsection (13)(a) if:
- 354 (i) the package agency is located at a manufacturing facility licensed in accordance with Chapter 11, Manufacturing and Related Licenses Act; and
- 356 (ii) the package agency only sells an alcoholic product produced at the manufacturing facility.

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- 358 (c)
- (i) Subsection (13)(a) does not apply to a package agency held by the following if the package agent that holds the package agency to sell liquor at a resort or hotel does not sell liquor in a manner similar to a state store:
- 361 (A) a resort licensee; or
- 362 (B) a hotel licensee.
- 363 (ii) The commission may by rule define what constitutes a package agency that sells liquor "in a manner similar to a state store."
- 365 (14)
- (a) Except to the extent authorized by commission rule, a minor may not be admitted into, or be on the premises of, a package agency unless accompanied by a person who is:
- 368 (i) 21 years old or older; and
- 369 (ii) the minor's parent, legal guardian, or spouse.
- 370 (b) A package agent or staff of a package agency that has reason to believe that a person who is on the premises of a package agency is under 21 years old and is not accompanied by a person described in Subsection (14)(a) may:
- 373 (i) ask the suspected minor for proof of age;
- 374 (ii) ask the person who accompanies the suspected minor for proof of age; and
- 375 (iii) ask the suspected minor or the person who accompanies the suspected minor for proof of parental, guardianship, or spousal relationship.
- 377 (c) A package agent or staff of a package agency shall refuse to sell liquor to the suspected minor and to the person who accompanies the suspected minor into the package agency if the minor or person fails to provide any information specified in Subsection (14)(b).
- 381 (d) A package agent or staff of a package agency shall require the suspected minor and the person who accompanies the suspected minor into the package agency to immediately leave the premises of the package agency if the minor or person fails to provide information specified in Subsection (14)(b).
- 385 (15)
- (a) A package agency shall sell, offer for sale, or furnish liquor in a sealed container.
- 386 (b) A person may not open a sealed container on the premises of a package agency.
- 387 (c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or furnish liquor in other than a sealed container:

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- 389 (i) if the package agency is the type of package agency that authorizes the package agency to sell, offer
for sale, or furnish the liquor as part of room service;
- 391 (ii) if the liquor is sold, offered for sale, or furnished as part of room service; and
- 392 (iii) subject to:
- 393 (A) staff of the package agency providing the liquor in person only to an adult guest in the guest room
or privately owned dwelling unit;
- 395 (B) staff of the package agency not leaving the liquor outside a guest room or privately owned dwelling
unit for retrieval by a guest or resident; and
- 397 (C) the same limits on the portions in which an alcoholic product may be sold by a retail licensee under
Section 32B-5-304.
- 399 (16) A package agency may not sell, offer for sale, or furnish:
- 400 (a) heavy beer in a sealed container that exceeds two liters; or
- 401 (b) liquor that contains more than 80% alcohol by volume.
- 402 (17) The department may pay or otherwise remunerate a package agent on any basis, including sales or
volume of business done by the package agency.
- 404 (18) The commission may prescribe by policy or rule general operational requirements of a package
agency that are consistent with this title and relate to:
- 406 (a) physical facilities;
- 407 (b) conditions of operation;
- 408 (c) hours of operation;
- 409 (d) inventory levels;
- 410 (e) payment schedules;
- 411 (f) methods of payment;
- 412 (g) premises security; and
- 413 (h) any other matter considered appropriate by the commission.
- 414 (19) A package agency may not maintain a minibar.
- 415 (20)
- (a) Before the sale or furnishing of an alcoholic product to an individual, a package agency shall require
that the individual provide proof of age.
- 417 (b) If the proof of age provided required by Subsection (20)(a) is a Utah driver license or an
identification card, the package agency shall verify that the individual is not an interdicted person.

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

421 **32B-4-405. Unlawful sale, offer for sale, or furnishing to interdicted person.**

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

425 [~~(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.~~]

429 [~~(3)~~ (2) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic product to an interdicted person:

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

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

435 Section 5. Section 32B-5-306 is amended to read:

436 **32B-5-306. Purchasing or selling alcoholic product.**

438 (1)

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

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

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

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

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

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

447 (2)

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

449 (i) staff of the retail licensee; and

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

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

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- 453 (i) staff of the retail licensee; and
- 454 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
- 455 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from staff of the
retail licensee or carries bottled wine onto the retail licensee's premises [~~pursuant to~~] in accordance
with Section 32B-5-307 may thereafter serve wine from the bottle to the patron or others at the
patron's table.
- 459 (3) The following may not purchase an alcoholic product for a patron:
- 460 (a) a retail licensee; or
- 461 (b) staff of a retail licensee.
- 462 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the retail licensee
may transfer the retail licensee's inventory of alcoholic product from that premises to another
premises licensed under this chapter that is owned by the same retail licensee.
- 466 Section 6. Section 32B-7-202 is amended to read:
- 467 **32B-7-202. General operational requirements for off-premise beer retailer.**
- 469 (1)
- 471 ~~[(2)]~~ (b) Failure to comply with this section may result in a suspension or revocation of a local license
and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3, Disciplinary Actions
and Enforcement Act.
- 474 ~~[(3)]~~ (2)
- 477 (a)
- 478 (i) An off-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell
beer, except beer that the off-premise beer retailer lawfully purchases from:
- 479 (A) a beer wholesaler licensee; or
- 480 (B) a small brewer that manufactures the beer.
- 479 (ii) A violation of Subsection ~~[(2)(a)]~~ (2)(a)(i) is a class A misdemeanor.
- 480 (b)
- (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a beer wholesaler
licensee, the off-premise beer retailer shall purchase beer only from a beer wholesaler licensee who
is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer

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retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.

- 486 (ii) A violation of Subsection [~~(2)(b)~~] (2)(b)(i) is a class B misdemeanor.
- 487 [~~(4)~~] (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container
larger than two liters.
- 489 [~~(5)~~] (4)
- (a) Staff of an off-premise beer retailer, while on duty, may not:
- 490 (i) consume an alcoholic product; or
- 491 (ii) be intoxicated.
- (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:
- 492 (i) the sale is done under the supervision of a person 21 years old or older who is on the licensed
494 premises; and
- 496 (ii) the minor is at least 16 years old.
- 497 [~~(6)~~] (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to:
- 499 (a) a minor;
- 500 (b) a person actually, apparently, or obviously intoxicated;
- 501 (c) a known interdicted person; or
- 502 (d) a known habitual drunkard.
- 503 [~~(7)~~] (6)
- (a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer shall:
- 505 (i) display all beer accessible by and visible to a patron in no more than two locations on the retail
sales floor, each of which is:
- 507 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only beverage displayed;
and
- 509 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler with a door
from which the nonalcoholic beverages are not accessible, or the beer is separated from the display
of nonalcoholic beverages by a display of one or more nonbeverage products or another physical
divider; and
- 513 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 514 (A) is prominent;
- 515 (B) is easily readable by a consumer;

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- 516 (C) meets the requirements for format established by the commission by rule; and
- 517 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please
read the label carefully."
- 519 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer if the
nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 521 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is labeled, packaged, or
advertised as:
- 523 (i) a malt cooler; or
- 524 (ii) a beverage that may provide energy.
- 525 (d) A violation of this Subsection (6) is an infraction.
- 526 (e)
- (i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i) apply on and after
May 9, 2017.
- 528 (ii) For a beer retailer that operates two or more off-premise beer retailers, the provisions of Subsection
(6)(a)(i) apply on and after August 1, 2017.
- 530 [~~8~~] (7)
- (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells beer to
a patron for consumption off the premises of the off-premise beer retailer shall wear a unique
identification badge:
- 533 (i) on the front of the staff's clothing;
- 534 (ii) visible above the waist;
- 535 (iii) bearing the staff's:
- 536 (A) first or last name;
- 537 (B) initials; or
- 538 (C) unique identification in letters or numbers; and
- 539 (iv) with the number or letters on the unique identification badge being sufficiently large to be
clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.
- 542 (b) An off-premise beer retailer shall make and maintain a record of each current staff's unique
identification badge assigned by the off-premise beer retailer that includes the staff's:
- 545 (i) full name;
- 546 (ii) address; and

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- 547 (iii)
548 (A) driver license number; or
549 (B) similar identification number.
549 (c) An off-premise beer retailer shall make available a record required to be made or maintained under
this Subsection (7) for immediate inspection by:
551 (i) a peace officer;
552 (ii) a representative of the local authority that issues the off-premise beer retailer license; or
554 (iii) for an off-premise beer retailer state license, a representative of the commission or department.
556 (d) A local authority may impose a fine of up to \$250 against an off-premise beer retailer that does not
comply or require [its] the off-premise beer retailer's staff to comply with this Subsection (7).
559 [~~(9)~~] (8)
(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
560 (i) at a drive-through window;
561 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the off-premise beer
retailer's licensed premises; or
563 (iii) subject to Subsection (8)(b), at a designated parking stall.
564 (b)
(i) An off-premise beer retailer shall ensure that a parking stall described in Subsection (8)(a)(iii) is:
566 (A) located on property that the off-premise beer retailer owns or has a legal right to occupy;
568 (B) designated for picking up pre-ordered items from the off-premise beer retailer; and
570 (C) labeled in a conspicuous manner that communicates the purpose described in Subsection [~~(8)(b)~~
~~(ii)~~] (8)(b)(i)(B).
572 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a designated parking stall
described in Subsection (8)(a)(iii) unless:
574 (A) the off-premise beer retailer ensures that the individual purchasing the beer purchases the beer
before parking in the designated parking stall;
576 (B) the off-premise beer retailer delivers the beer directly from the off-premise beer retailer's licensed
premises to the designated parking stall;
578 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the purchaser's age in
accordance with Section 32B-1-407; and
580 (D) the off-premise beer retailer maintains video surveillance of the designated parking stall.

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- 582 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
- 583 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in accordance with
this Subsection (8) shall comply with the training requirements described in Section 32B-1-703.
- 586 ~~[(10)]~~ (9) An off-premise beer retailer may not on the licensed premises:
- 587 (a) engage in or permit any form of:
- 588 (i) gambling, as defined in Section 76-9-1401; or
- 589 (ii) fringe gambling, as defined in Section 76-9-1401;
- 590 (b) have any fringe gaming device, video gaming device, or gambling device or record as defined in
Section 76-9-1401; or
- 592 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking
of something of value for a return or for an outcome when the return or outcome is based upon an
element of chance, excluding the playing of an amusement device that confers only an immediate
and unrecorded right of replay not exchangeable for value.
- 597 ~~[(11)]~~ (10) An off-premise beer retailer may not knowingly allow a person on the licensed premises to,
in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug
Paraphernalia Act:
- 600 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or
- 602 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in Section
58-37a-3.
- 604 ~~[(12)]~~ (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is intended to
be frozen and consumed in a manner other than as a beverage, including beer in the form of a freeze
pop, popsicle, ice cream, or sorbet.
- 607 (12)
- (a) Before the sale or furnishing of an alcoholic product to an individual, an off-premise beer retailer
shall require that the individual provide proof of age.
- 609 (b) If the proof of age provided required by Subsection (12)(a) is a Utah driver license or an
identification card, the off-premise beer retailer shall verify that the individual is not an interdicted
person.

612 Section 7. Section 41-6a-505 is amended to read:

613 **41-6a-505. Sentencing requirements for driving under the influence of alcohol, drugs, or a
combination of both violations.**

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- 615 (1) As part of any sentence for a first conviction of extreme DUI:
616 (a) the court shall:
617 (i)
(A) impose a jail sentence of not less than five days; or
618 (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;
622 (ii) order the individual to participate in a screening;
623 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under
Subsection (1)(a)(ii);
625 (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);
627 (v) impose a fine of not less than \$700;
628 (vi) order probation for the individual in accordance with Section 41-6a-507;
629 (vii)
(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
631 (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;
634 (viii)
(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
636 (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;
639 (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
643 (x) designate the individual as an interdicted person for a period of time not to exceed the probationary
period, unless the court finds good cause to order a shorter or longer time, and require the individual
to surrender the individual's Utah driver license or Utah identification card; and
647 (b) the court may:
648 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program
determines that substance abuse treatment is appropriate;

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- 650 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if
the individual is 21 years old or older; or
- 652 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 653 (2)
- (a) If an individual described in Subsection (1) is participating in a 24-7 sobriety program as defined in
Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (1)(a).
- 656 (b) If an individual described in Subsection (1) fails to successfully complete all of the requirements
of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in
Subsection (2)(a).
- 659 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in Subsection
(1):
- 661 (a) the court shall:
- 662 (i)
- (A) impose a jail sentence of not less than two days; or
- 663 (B) require the individual to work in a compensatory-service work program for not less than 48 hours;
- 665 (ii) order the individual to participate in a screening;
- 666 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under
Subsection (3)(a)(ii);
- 668 (iv) order the individual to participate in an educational series if the court does not order substance
abuse treatment as described under Subsection (3)(b);
- 670 (v) impose a fine of not less than \$700;
- 671 (vi)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 673 (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; and
- 676 (vii)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 678 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other
than the individual sentenced, order the individual sentenced to reimburse the party; and
- 681 (b) the court may:
- 682

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- 684 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program
685 determines that substance abuse treatment is appropriate;
- 687 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 688 (iii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if
the individual is 21 years old or older;
- 692 (iv) order a combination of Subsections (3)(b)(i) through (iii); or
- 695 (v) designate the individual as an interdicted person for a period of time not to exceed the probationary
period, unless the court finds good cause to order a shorter or longer time, and require the individual
to surrender the individual's Utah driver license or Utah identification card.
- 698 (4)
- 701 (a) If an individual described in Subsection (3) is participating in a 24-7 sobriety program as defined in
Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (3)(a).
- 702 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of the requirements
of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in
Subsection (4)(a).
- 707 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the
current conviction under Section 41-6a-502 or the commission of the offense upon which the current
conviction amounts to extreme DUI:
- 711 (a) the court shall:
- 712 (i)
- 714 (A) impose a jail sentence of not less than 20 days;
- (B) impose a jail sentence of not less than 10 days in addition to home confinement of not fewer than
60 consecutive days through the use of electronic monitoring that includes a substance abuse testing
instrument in accordance with Section 41-6a-506; or
- (C) impose a jail sentence of not less than 10 days in addition to ordering the individual to obtain
substance abuse treatment, if the court finds that substance abuse treatment is more likely to reduce
recidivism and is in the interests of public safety;
- (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 (5)(a)(ii);

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- (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (5)(b);
- 716 (v) impose a fine of not less than \$800;
- 717 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 718 (vii) order the installation of an ignition interlock system as described in Section 41-6a-518;
- 720 (viii)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 722 (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;
- 725 (ix)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 727 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- 730 (x) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's Utah driver license or Utah identification card; and
- 734 (b) the court may:
- 735 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
- 737 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older; or
- 739 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 740 (6)
- (a) If an individual described in Subsection (5) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (5)(a) after the individual has served a minimum of:
- 743 (i) five days of the jail sentence for a second offense; or
- 744 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 745 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (6)(a).

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- 748 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the
current conviction under Section 41-6a-502 or the commission of the offense upon which the current
conviction is based and that does not qualify under Subsection (5):
- 752 (a) the court shall:
- 753 (i)
- (A) impose a jail sentence of not less than 10 days; or
- 754 (B) impose a jail sentence of not less than 5 days in addition to home confinement of not fewer than 30
consecutive days through the use of electronic monitoring that includes a substance abuse testing
instrument in accordance with Section 41-6a-506;
- 758 (ii) order the individual to participate in a screening;
- 759 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under
Subsection (7)(a)(ii);
- 761 (iv) order the individual to participate in an educational series if the court does not order substance
abuse treatment as described under Subsection (7)(b);
- 763 (v) impose a fine of not less than \$800;
- 764 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 765 (vii)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 767 (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; and
- 770 (viii)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 772 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other
than the individual sentenced, order the individual sentenced to reimburse the party; and
- 775 (b) the court may:
- 776 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program
determines that substance abuse treatment is appropriate;
- 778 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if
the individual is 21 years old or older;
- 780 (iii) order a combination of Subsections (7)(b)(i) and (ii); or
- 781

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

785 (8)

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

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

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

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

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

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

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

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

801 (d) order supervised probation; and

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

806 (10)

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

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

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

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

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- 815 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and
places the defendant on probation with a sentence not described in Subsection (9), the court shall
impose:
- 818 (a) a fine of not less than \$1,500;
- 819 (b) a jail sentence of not less than 60 days;
- 820 (c) home confinement of not fewer than 60 consecutive days through the use of electronic monitoring
that includes a substance abuse testing instrument in accordance with Section 41-6a-506; and
- 823 (d) supervised probation.
- 824 (12)
- (a)
- (i) Except as described in Subsection (12)(a)(ii), a court may not suspend the requirements of this
section.
- 826 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 827 (b) A court, with stipulation of both parties and approval from the judge, may convert a jail sentence
required in this section to electronic home confinement.
- 829 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation under this
section to be served in multiple two-day increments at weekly intervals if the court determines that
separate jail increments are necessary to ensure the defendant can serve the statutorily required jail
term and maintain employment.
- 833 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence
that the individual had a blood or breath alcohol level of .16 or higher, the court shall order the
following, or describe on record why the order or orders are not appropriate:
- 837 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 838 (b) one or more of the following:
- 839 (i) the installation of an ignition interlock system as a condition of probation for the individual in
accordance with Section 41-6a-518;
- 841 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device or remote
alcohol monitor as a condition of probation for the individual; or
- 843 (iii) the imposition of home confinement through the use of electronic monitoring in accordance with
Section 41-6a-506.

845 Section 8. Section 41-6a-509 is amended to read:

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- 846 **41-6a-509. Driver license suspension or revocation for a driving under the influence**
847 **violation.**
- 848 (1)
- 849 (a) The Driver License Division shall, if the person is 21 years old or older at the time of arrest:
- 850 (i) suspend for a period of 120 days the operator's license of a person convicted for the first time
851 under Section 41-6a-502 or 76-5-102.1; or
- 852 (ii) revoke for a period of two years the license of a person if:
- 853 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 855 (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period
856 of 10 years from the date of the prior violation.
- 857 (b)
- 858 (i) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), the
859 Driver License Division may not suspend the operator's license for a violation of Section 41-6a-502
860 as described in Subsection (1)(a)(i) unless the person fails to complete 120 days of the interlock
861 restriction.
- 862 (ii) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), and the
863 person fails to complete the full 120 days of interlock restriction, the Driver License Division:
- 864 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days
865 from the date the ignition interlock system was removed from the vehicle; and
- 866 (B) may not reduce the 120-day suspension for any days the person was compliant with the interlock
867 restriction under Subsection 53-3-223(10)(a).
- 868 (c)
- 869 (i) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), the Driver
870 License Division may not suspend the operator's license for a violation of Section 41-6a-502 as
871 described in Subsection (1)(a)(i) unless the person fails to complete three years of the interlock
872 restriction under Subsection 41-6a-521(7).
- 873 (ii) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), and the
874 person fails to complete the full three years of interlock restriction, the Driver License Division:
- 875 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days
876 from the date the ignition interlock system was removed from the vehicle; and
- 880

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- (B) may not reduce the 120-day suspension for any days the person was compliant with the interlock restriction under Subsection 41-6a-521(7).
- 882 (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:
- 884 (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;
- 888 (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:
- 890 (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
- 892 (ii) has not been issued an operator license;
- 893 (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:
- 895 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 896 (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
- 898 (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:
- 900 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 901 (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
- 903 (iii) the person has not been issued an operator license.
- 904 (3) The Driver License Division shall, if the person is under 19 years old at the time of arrest:
- 906 (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;
- 909 (b) deny the person's application for a license or learner's permit until the person is 21 years old if the person:
- 911 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207; and
- 913 (ii) has not been issued an operator license;
- 914 (c) revoke the person's driver license until the person is 21 years old if:

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- 915 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 916 (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
- 918 (d) deny the person's application for a license or learner's permit until the person is 21 years old if:
- 920 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 921 (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
- 923 (iii) the person has not been issued an operator license.
- 924 (4) The Driver License Division shall suspend or revoke the license of a person as ordered by the court
under Subsection (9).
- 926 (5) The Driver License Division shall subtract from any suspension or revocation period the number
of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the
previous suspension was based on the same occurrence upon which the record of conviction is
based.
- 930 (6) If a conviction recorded as impaired driving is amended to a driving under the influence conviction
under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with Subsection 41-6a-502.5(3)(a)
(ii), the Driver License Division:
- 933 (a) may not subtract from any suspension or revocation any time for which a license was previously
suspended or revoked under Section 53-3-223 or 53-3-231; and
- 935 (b) shall start the suspension or revocation time under Subsection (1) on the date of the amended
conviction.
- 937 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207
for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten
the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) [~~prior~~
~~to~~] before completion of the suspension period if the person:
- 942 (a) completes at least six months of the license suspension;
- 943 (b) completes a screening;
- 944 (c) completes an assessment, if it is found appropriate by a screening under Subsection (7)(b);
- 946 (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection
(7)(c);

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- 951 (e) completes an educational series if substance abuse treatment is not required by an assessment under Subsection (7)(c) or the court does not order substance abuse treatment;
- 954 (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
- 956 (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
- 959 (h) (i) is 18 years old or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
- 964 (ii) is under 18 years old and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).
- 969 (8) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (7), the court shall forward the order shortening the person's suspension period to the Driver License Division in a manner specified by the division [~~prior to~~ before the completion of the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).
- 974 (9) (a) (i) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.
- 978 (ii) The additional suspension or revocation period provided in this Subsection (9) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207.

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(b) If the court suspends or revokes the person's license under this Subsection (9), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.

981 (10)

(a) The court shall notify the Driver License Division if a person fails to complete all court ordered:

983 (i) screenings;

984 (ii) assessments;

985 (iii) educational series;

986 (iv) substance abuse treatment; and

987 (v) hours of work in a compensatory-service work program.

988 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in Subsection (10)(a), the division shall suspend the person's driving privilege in accordance with Subsection 53-3-221(2).

991 (11)

(a) A court that reported a conviction of a violation of Section 41-6a-502 to the Driver License Division may shorten the suspension or revocation period imposed under Subsection (1) before completion of the suspension or revocation period if the person:

995 (i) is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5;

997 (ii)

(A) is participating in or has successfully completed a problem solving court program approved by the Judicial Council, including a driving under the influence court program, a drug court program, or a veterans treatment court program; and

1001 (B) has elected to become an interlock restricted driver as a condition of probation during the remainder of the person's suspension or revocation period in accordance with Section 41-6a-518; or

1004 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court does not have a problem solving court program approved by the Judicial Council or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the person:

1008 (A) has installed an ignition interlock device in any vehicle owned or driven by the person in accordance with Section 53-3-1007; and

1010 (B) did not inflict bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.

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- 1012 (b) If a court shortens a person's license suspension or revocation period in accordance with the requirements of this Subsection (11), the court shall forward the order shortening the person's suspension or revocation period to the Driver License Division in a manner specified by the division.
- 1016 (c) The court shall notify the Driver License Division, in a manner specified by the Driver License Division, if a person fails to complete or comply with a condition that allowed the court to shorten the person's license suspension or revocation period under Subsection (11)(a).
- 1020 (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.
- 1023 (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.
- 1028 (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.
- 1031 (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.
- 1036 (12) If a court designates a person as an interdicted person as provided in Section 41-6a-505, the court shall:
- 1038 (a) require the person to surrender the person's Utah identification card or Utah driver license;
- 1040 (b) notify the Driver License Division that the person is an interdicted person; and
- 1041 (c) provide the person's identification card or driver license to the Driver License Division.

Section 9. Section 53-3-236 is amended to read:

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

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- 1048 (1) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509,
76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:
- 1048 (a)
- 1050 (i) may accept an application from the individual for a duplicate license that includes an interdicted
person identifier; and
- 1052 (ii) if the individual submits an application and qualifies for a license certificate, may provide a license
certificate with the interdicted person identifier; or
- 1054 (b)
- 1056 (i) may accept an application from the individual for a renewal of a license or an original license with
an interdicted person identifier; and
- 1054 (ii) if the individual submits an application and qualifies for a license certificate, may provide a license
certificate with an interdicted person identifier.
- 1056 (2) The division may not provide to an individual a license certificate without the interdicted person
identifier during the time period the court has designated the person as an interdicted person.
- 1059 (3)
- 1061 (a) An individual may voluntarily apply for a duplicate license, original license, or renewal of a license
that includes an interdicted person identifier.
- 1061 (b) An individual [~~that~~] who voluntarily applies for a duplicate license, original license, or renewal of
a license with an interdicted person identifier may not apply for another duplicate license, original
license, or renewal of a license without the interdicted person identifier for at least 30 days after the
application for the license certificate with the interdicted person identifier.
- 1066 (c) An individual who voluntarily applies for a duplicate license, original license, or renewal of a
license with an interdicted person identifier is not required to pay the fee described in Subsection
(5).
- 1069 (4) An individual may not hold a license certificate with an interdicted person identifier while also
holding another license certificate.
- 1071 (5) [~~The~~] Subject to Subsection (3)(c), the division may charge an administrative fee as described
in Subsection 53-3-105(4) to an individual to process and provide a license certificate with an
interdicted person identifier.
- 1074

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

1077 Section 10. Section 53-3-805 is amended to read:

1078 **53-3-805. Identification card -- Contents -- Specifications.**

1079 (1) As used in this section:

1080 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.

1081 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.

1082 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.

1083 (d) "Invisible condition identification symbol" means the same as that term is defined in Section 53-3-207.

1085 (2)

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

1086 (i) the distinguishing number assigned to the individual by the division;

1087 (ii) the name, birth date, and Utah residence address of the individual;

1088 (iii) a brief description of the individual for the purpose of identification;

1089 (iv) a photograph of the individual;

1090 (v) a photograph or other facsimile of the individual's signature;

1091 (vi) an indication whether the individual intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and

1093 (vii) if the individual states that the individual is a veteran of the United States military on the application for an identification card in accordance with Section 53-3-804 and provides verification that the individual received an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

1099 (b) An identification card issued by the division may not bear the individual's social security number or place of birth.

1101 (3)

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

1103 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is prescribed by the commissioner.

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- 1105 (4) At the applicant's request, the card may include a statement that the applicant has a special medical
problem or allergies to certain drugs, for the purpose of medical treatment.
- 1108 (5)
- (a) The division shall include or affix an invisible condition identification symbol on an individual's
identification card if the individual or the individual's authorized guardian, on a form prescribed by
the department:
- 1111 (i) requests the division to include the invisible condition identification symbol;
- 1112 (ii) provides written verification from a health care professional that the individual is an individual
with an invisible condition; and
- 1114 (iii) submits a signed waiver of liability for the release of any medical information to:
- 1115 (A) the department;
- 1116 (B) any person who has access to the individual's medical information as recorded on the individual's
driving record or the Utah Criminal Justice Information System under this chapter;
- 1119 (C) any other person who may view or receive notice of the individual's medical information by seeing
the individual's identification card or the individual's information in the Utah Criminal Justice
Information System;
- 1122 (D) a local law enforcement agency that receives a copy of the form described in this Subsection (5)
(a) and enters the contents of the form into the local law enforcement agency's record management
system or computer-aided dispatch system; and
- 1126 (E) a dispatcher who accesses the information regarding the individual's invisible condition through
the use of a local law enforcement agency's record management system or computer-aided dispatch
system.
- 1129 (b) As part of the form described in Subsection (5)(a), the department shall advise the individual or the
individual's authorized guardian that by submitting the request and signed waiver, the individual or
the individual's authorized guardian consents to the release of the individual's medical information
to any person described in Subsection (5)(a)(iii), even if the person is otherwise ineligible to access
the individual's medical information under state or federal law.
- 1135 (c) The division may not:
- 1136 (i) charge a fee to include the invisible condition identification symbol on the individual's identification
card; or
- 1138

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- (ii) after including the invisible condition identification symbol on the individual's previously issued identification card, require the individual to provide subsequent written verification described in Subsection (5)(a)(ii) to include the invisible condition identification symbol on the individual's extended identification card.
- 1142 (d) The division shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (5)(a)(ii) holds a current state license.
- 1144 (e) The inclusion of an invisible condition identification symbol on an individual's identification card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.
- 1148 (f) For each individual issued an identification card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.
- 1153 (g) Except as provided in this section, the division may not release the information described in Subsection (5)(f).
- 1155 (h) Within 30 days after the day on which the division receives an individual's or the individual's authorized guardian's written request, the division shall:
- 1157 (i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (5)(f); and
- 1160 (ii) provide the individual's updated record to the Utah Criminal Justice Information System.
- 1162 (6)
- (a) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:
- 1165 (i) may accept an application from the individual for an identification card that includes an interdicted person identifier; and
- 1167 (ii) if the individual submits an application and qualifies for an identification card, may provide an identification card with the interdicted person identifier.
- 1169 (b)
- (i) An individual may voluntarily apply for an identification card that includes an interdicted person identifier.

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- (ii) An individual [~~that~~] who voluntarily applies for an identification card with an interdicted person identifier may not apply for another identification card without the interdicted person identifier for at least 30 days after the application for the identification card with the interdicted person identifier.
- 1175 (iii) An individual who voluntarily applies for an identification card with an interdicted person identifier is not required to pay the fee described in Subsection (6)(d).
- 1178 (c) The division may not provide to an individual an identification card without the interdicted person identifier during the time period the court has designated the person as an interdicted person.
- 1181 (d) [~~The~~] Subject to Subsection (6)(b)(iii), the division may charge an administrative fee as described in Subsection 53-3-105(40) to an individual to process and provide an identification card with an interdicted person identifier.
- 1184 (e) An individual who is designated as an interdicted person by a court is subject to the identification card fee and other fees necessary to administer the identification card with an interdicted person identifier.
- 1187 (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
- 1190 (8)
- (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in accordance with division rule.
- 1192 (b)
- (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.
- 1197 (ii) An organ procurement organization may use released information only to:
- 1198 (A) obtain additional information for an anatomical gift registry; and
- 1199 (B) inform applicants of anatomical gift options, procedures, and benefits.
- 1200 (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).
- 1204 (10) The division and the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

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- 1207 (a) loss;
- 1208 (b) detriment; or
- 1209 (c) injury.
- 1210 (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).
- 1213 (b) A temporary regular identification card issued under this Subsection (11) shall be recognized and grant the individual the same privileges as a regular identification card.
- 1216 (c) A temporary regular identification card issued under this Subsection (11) is invalid:
- 1217 (i) when the individual's regular identification card has been issued;
- 1218 (ii) when, for good cause, an applicant's application for a regular identification card has been refused; or
- 1220 (iii) upon expiration of the temporary regular identification card.
- 1221 (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 11. Section 76-5-102.1 is amended to read:

76-5-102.1. Negligently operating a vehicle resulting in injury.

- 1226 (1)
- (a) As used in this section:
- 1227 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 1228 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
- 1229 (iii) "Negligent" or "negligence" means the same as that term is defined in Section 76-5-207.
- 1231 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 1232 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1233 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:
- 1234 (a)
- (i) operates a vehicle in a negligent manner causing bodily injury to another; and
- 1235 (ii)
- (A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;

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- (B) is under the influence of alcohol, a drug, or the combined influence of alcohol and a drug to a degree that renders the actor incapable of safely operating a vehicle; or
- 1241 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or
- 1243 (b)
- (i) operates a vehicle in a criminally negligent manner causing bodily injury to another; and
- 1245 (ii) has in the actor's body any measurable amount of a controlled substance.
- 1246 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 1247 (a)
- (i) a class A misdemeanor;[-or]
- 1248 (ii) a third degree felony if the actor has two or more driving under the influence related convictions under Subsection 41-6a-501(2)(a), each of which is within 10 years of:
- 1251 (A) the current conviction; or
- 1252 (B) the commission of the offense upon which the current conviction is based;
- 1253 (iii) a third degree felony, if the current conviction is at any time after the conviction of:
- 1255 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2), that is a felony; or
- 1257 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of conviction is reduced under Section 76-3-402; or
- 1259 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 1260 (b) a separate offense for each victim suffering bodily injury as a result of the actor's violation of this section, regardless of whether the injuries arise from the same episode of driving.
- 1263 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under Subsection (2)(b) if:
- 1265 (a) the controlled substance was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 1268 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 1269 (c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-4.2 if:
- 1271 (i) the actor is the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-6; and
- 1273 (ii) the substance was administered to the actor by the medical researcher.
- 1274 (5)

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(a) A judge imposing a sentence under this section may consider:

- 1275 (i) the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;
- 1277 (ii) the defendant's history;
- 1278 (iii) the facts of the case;
- 1279 (iv) aggravating and mitigating factors; or
- 1280 (v) any other relevant fact.

1281 (b) The judge may not impose a lesser sentence than would be required for a conviction based on the defendant's history under Section 41-6a-505.

1283 (c) The standards for chemical breath analysis under Section 41-6a-515 and the provisions for the admissibility of chemical test results under Section 41-6a-516 apply to determination and proof of blood alcohol content under this section.

1286 (d) A calculation of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(3).

1288 (e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.

1290 (f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except if prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.

1293 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this section may not be held in abeyance.

1295 (6)

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

1299 (b) If a court designates a person as an interdicted person as provided in Subsection (6)(a), the court shall:

- 1301 (i) require the person to surrender the person's Utah identification card or Utah driver license;
- 1303 (ii) notify the Driver License Division that the person is an interdicted person; and
- 1304 (iii) provide the person's identification card or driver license to the Driver License Division.

1306 Section 12. Section 76-5-207 is amended to read:

1307 **76-5-207. Automobile homicide -- Penalties -- Evidence.**

1309 (1)

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- (a) As used in this section:
- 1310 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 1311 (ii) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).
- 1313 (iii) "Drug" means:
- 1314 (A) a controlled substance;
- 1315 (B) a drug as defined in Section 58-37-2; or
- 1316 (C) a substance that, when knowingly, intentionally, or recklessly taken into the human body, can
impair the ability of an individual to safely operate a vehicle.
- 1318 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that degree of care
that reasonable and prudent persons exercise under like or similar circumstances.
- 1321 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 1322 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1323 (2) An actor commits automobile homicide if the actor:
- 1324 (a)
- (i) operates a vehicle in a negligent or criminally negligent manner causing the death of another
individual; and
- 1326 (ii)
- (A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor
has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
- 1329 (B) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a
degree that renders the actor incapable of safely operating a vehicle; or
- 1332 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or
- 1334 (b)
- (i) operates a vehicle in a criminally negligent manner causing death to another; and
- 1336 (ii) has in the actor's body any measurable amount of a controlled substance.
- 1337 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 1338 (a) a second degree felony, punishable by a term of imprisonment of not less than five years nor more
than 15 years; and
- 1340 (b) a separate offense for each victim suffering death as a result of the actor's violation of this section,
regardless of whether the deaths arise from the same episode of driving.
- 1343 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:

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- 1344 (a) the controlled substance was obtained under a valid prescription or order, directly from a
practitioner while acting in the course of the practitioner's professional practice, or as otherwise
authorized by Title 58, Occupations and Professions;
- 1347 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 1348 (c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-4.2 if:
- 1350 (i) the actor is the subject of medical research conducted by a holder of a valid license to possess
controlled substances under Section 58-37-6; and
- 1352 (ii) the substance was administered to the actor by the medical researcher.
- 1353 (5)
- (a) A judge imposing a sentence under this section may consider:
- 1354 (i) the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;
- 1356 (ii) the defendant's history;
- 1357 (iii) the facts of the case;
- 1358 (iv) aggravating and mitigating factors; or
- 1359 (v) any other relevant fact.
- 1360 (b) The judge may not impose a lesser sentence than would be required for a conviction based on the
defendant's history under Section 41-6a-505.
- 1362 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the provisions for
the admissibility of chemical test results as provided by Section 41-6a-516 apply to determination
and proof of blood alcohol content under this section.
- 1366 (d) A calculation of blood or breath alcohol concentration under this section shall be made in
accordance with Subsection 41-6a-502(3).
- 1368 (e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or
has been legally entitled to use alcohol or a drug is not a defense.
- 1370 (f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when
prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.
- 1373 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this
section may not be held in abeyance.
- 1375 (6) If, when imposing a sentence under this section, the court finds that it is in the interest of justice to
suspend the imposition of prison, the court shall detail the finding on the record, including why a
suspended prison sentence is in the interest of justice.

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1378 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than three years nor
more than 15 years if the court details on the record why it is in the interest of justice.

1381 (8)

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

1385 (b) If a court designates a person as an interdicted person as provided in Subsection (8)(a), the court shall:

1387 (i) require the person to surrender the person's Utah identification card or Utah driver license;

1389 (ii) notify the Driver License Division that the person is an interdicted person; and

1390 (iii) provide the person's identification card or driver license to the Driver License Division.

1392 Section 13. **Effective date.**

Effective Date.

~~{This}~~ Except as provided in Subsection (2), this bill takes effect:

1408 (1){(a)} except as provided in Subsection {(2)} (1)(b), May 6, 2026; or

1409 (2){(b)} if approved by two-thirds of all members elected to each house:

1410 (a){(i)} upon approval by the governor;

1411 (b){(ii)} without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

1413 (c){(iii)} in the case of a veto, the date of veto override.

1400 (2) The actions affecting the following sections take effect on May 6, 2026:

1401 (a) Section 53-3-236 (Effective 05/06/26); and

1402 (b) Section 53-3-805 (Effective 05/06/26).

1403 Section 14. **Retrospective Operation.**

Retrospective operation.

~~{This bill has}~~ The following sections have retrospective operation to ~~{:}~~ :

1405 (1) Section 32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26);

1406 (2) Section 32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26); and

1408 (3) Section 32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26).

1409 Section 15. **Coordinating H.B. 59 with H.B. 597.**

If H.B. 59, Identification Verification Amendments, and H.B. 597, Alcohol

HB0059 compared with HB0059S04

Amendments, both pass and become law, the Legislature intends that, on May 6, 2026, the amendments to Section 32B-1-407 in H.B. 59 supersede the amendments to that section in H.B. 597.

3-2-26 2:28 PM