

HB0287S02 compared with HB0287

~~{Omitted text}~~ shows text that was in HB0287 but was omitted in HB0287S02

inserted text shows text that was not in HB0287 but was inserted into HB0287S02

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1

Immigrant Driving Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

2

3

LONG TITLE

4

General Description:

5

This bill repeals the driving privilege card program.

6

Highlighted Provisions:

7

This bill:

8

- repeals the driving privilege card program;

9

- prohibits the Driver License Division from issuing a driving privilege card on or after May 6, 2026;

11

- makes technical changes throughout the Utah Code related to the repeal of the driving privilege card program;

13

- provides that a motor vehicle insurance provider may offer insurance coverage to an individual who does not have a driver license;

15

- repeals provisions allowing the driver license examination for knowledge of the state traffic laws to be offered in languages other than English;

13

- ~~{requires law enforcement to report to the Immigration and Customs Enforcement Agency of the United States Department }~~ creates a rebuttable presumption of fault for purposes of {Homeland

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~~Security~~ } an insurance claim if an ~~{individual who is}~~ unlawfully present ~~{in the United states}~~
individual is involved in a motor vehicle accident; and

▸ makes other technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-32a-102 (Effective 07/01/27), as last amended by Laws of Utah 2024, Chapter 507

26B-7-501 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 173

31A-22-302.5 (Effective 07/01/27), as last amended by Laws of Utah 2011, Chapter 425

32B-1-102 (Effective 07/01/27), as last amended by Laws of Utah 2025, First Special Session,
Chapter 16

32B-1-406 (Effective 07/01/27), as enacted by Laws of Utah 2010, Chapter 276

~~**{41-6a-404 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 372}**~~

46-1-2 (Effective 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter
16

53-3-102 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 471

53-3-105 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 471

53-3-106 (Effective 07/01/27), as last amended by Laws of Utah 2024, Chapter 134

53-3-204 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 262

53-3-205 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 291

53-3-206 (Effective 07/01/27), as last amended by Laws of Utah 2024, Chapter 113

53-3-207 (Effective 07/01/27), as last amended by Laws of Utah 2025, First Special Session,
Chapter 9

53-3-214 (Effective 07/01/27), as last amended by Laws of Utah 2023, Chapter 414

53-3-221 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 296

53-3-236 (Effective 07/01/27), as enacted by Laws of Utah 2025, Chapter 471

53-5a-602 (Effective 07/01/27), as renumbered and amended by Laws of Utah 2025, Chapter 208

53-10-202 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapters 173, 208

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58-37c-10 (Effective 07/01/27), as last amended by Laws of Utah 2008, Chapter 322

63G-12-205 (Effective 07/01/27), as enacted by Laws of Utah 2011, Chapter 18

63G-12-401 (Effective 07/01/27), as last amended by Laws of Utah 2011, Chapter 20 and
renumbered and amended by Laws of Utah 2011, Chapter 18

76-9-1117 (Effective 07/01/27), as renumbered and amended by Laws of Utah 2025, Chapter 173

ENACTS:

41-6a-410 (Effective 07/01/27), Utah Code Annotated 1953

REPEALS:

53-3-205.5 (Effective 07/01/27), as last amended by Laws of Utah 2023, Chapter 454

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

Section 1. Section **13-32a-102** is amended to read:

13-32a-102. Definitions.

As used in this chapter:

- (1) "Account" means the Pawnbroker, Secondhand Merchandise, and Catalytic Converter Operations Restricted Account created in Section 13-32a-113.
- (2) "Antique item" means an item:
 - (a) that is generally older than 25 years;
 - (b) whose value is based on age, rarity, condition, craftsmanship, or collectability;
 - (c) that is furniture or other decorative objects produced in a previous time period, as distinguished from new items of a similar nature; and
 - (d) obtained from auctions, estate sales, other antique shops, and individuals.
- (3) "Antique shop" means a business operating at an established location that deals primarily in the purchase, exchange, or sale of antique items.
- (4) "Automated recycling kiosk" means an interactive machine that:
 - (a) is installed inside a commercial site used for the selling of goods and services to consumers;
 - (b) is monitored remotely by a live representative during the hours of operation;
 - (c) only engages in secondhand merchandise transactions involving wireless communication devices; and
 - (d) has the following technological functions:
 - (i) verifies the seller's identity by a live representative using the individual's identification;

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- 78 (ii) generates a ticket; and
79 (iii) electronically transmits the secondhand merchandise transaction information to the central
database.
- 81 (5) "Automated recycling kiosk operator" means a person whose sole business activity is the operation
of one or more automated recycling kiosks.
- 83 (6) "Catalytic converter" means the same as that term is defined in Section 76-6-1402.
- 84 (7)
- (a) "Catalytic converter purchase" means a purchase from an individual of a used catalytic converter
that is no longer affixed to a vehicle.
- 86 (b) "Catalytic converter purchase" does not mean a purchase of a catalytic converter:
- 87 (i) from a business regularly engaged in automobile repair, crushing, dismantling, recycling, or salvage;
- 89 (ii) from a new or used vehicle dealer licensed under Title 41, Chapter 3, Motor Vehicle Business
Regulation Act;
- 91 (iii) from another catalytic converter purchaser; or
- 92 (iv) that has never been affixed to a vehicle.
- 93 (8) "Catalytic converter purchaser" means a person who purchases a used catalytic converter in a
catalytic converter purchase.
- 95 (9) "Central database" or "database" means the electronic database created and operated under Section
13-32a-105.
- 97 (10) "Children's product" means a used item that is for the exclusive use of children, or for the care of
children, including clothing and toys.
- 99 (11) "Children's product resale business" means a business operating at a commercial location and
primarily selling children's products.
- 101 (12) "Coin" means a piece of currency, usually metallic and usually in the shape of a disc that is:
- 103 (a) stamped metal, and issued by a government as monetary currency; or
- 104 (b)
- (i) worth more than its current value as currency; and
- 105 (ii) worth more than its metal content value.
- 106 (13) "Coin dealer" means a person whose sole business activity is the selling and purchasing of
numismatic items and precious metals.
- 108

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(14) "Collectible paper money" means paper currency that is no longer in circulation and is sold and purchased for the paper currency's collectible value.

(15)

(a) "Commercial grade precious metals" or "precious metals" means ingots, monetized bullion, art bars, medallions, medals, tokens, and currency that are marked by the refiner or fabricator indicating their fineness and include:

(i) .99 fine or finer ingots of gold, silver, platinum, palladium, or other precious metals; or

(ii) .925 fine sterling silver ingots, art bars, and medallions.

(b) "Commercial grade precious metals" or "precious metals" does not include jewelry.

(16) "Consignment shop" means a business, operating at an established location:

(a) that deals primarily in the offering for sale property owned by a third party; and

(b) where the owner of the property only receives consideration upon the sale of the property by the business.

(17) "Division" means the Division of Consumer Protection created in Chapter 1, Department of Commerce.

(18) "Exonumia" means a privately issued token for trade that is sold and purchased for the token's collectible value.

(19) "Gift card" means a record that:

(a) is usable at:

(i) a single merchant; or

(ii) a specified group of merchants;

(b) is prefunded before the record is used; and

(c) can be used for the purchase of goods or services.

(20) "Identification" means any of the following non-expired forms of identification issued by a state government, the United States government, or a federally recognized Indian tribe, if the identification includes a unique number, photograph of the bearer, and date of birth:

(a) a United States Passport or United States Passport Card;

(b) a state-issued driver license;

(c) a state-issued identification card;

(d) a state-issued concealed carry permit;

(e) a United States military identification;

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- 140 (f) a United States resident alien card; or
141 (g) an identification of a federally recognized Indian tribe[; ~~or~~] .
142 [~~(h) notwithstanding Section 53-3-207, a Utah driving privilege card.~~]
143 (21) "IMEI number" means an International Mobile Equipment Identity number.
144 (22) "Indicia of being new" means property that:
145 (a) is represented by the individual pawning or selling the property as new;
146 (b) is unopened in the original packaging; or
147 (c) possesses other distinguishing characteristics that indicate the property is new.
148 (23) "Local law enforcement agency" means the law enforcement agency that has direct responsibility
for ensuring compliance with central database reporting requirements for the jurisdiction where the
pawn or secondhand business or catalytic converter purchaser is located.
152 (24) "Numismatic item" means a coin, collectible paper money, or exnumia.
153 (25) "Original victim" means a victim who is not a party to the pawn or sale transaction or catalytic
converter purchase and includes:
155 (a) an authorized representative designated in writing by the original victim; and
156 (b) an insurer who has indemnified the original victim for the loss of the described property.
158 (26) "Pawn or secondhand business" means a business operated by a pawnbroker or secondhand
merchandise dealer, or the owner or operator of the business.
160 (27) "Pawn transaction" means:
161 (a) an extension of credit in which an individual delivers property to a pawnbroker for an advance of
money and retains the right to redeem the property for the redemption price within a fixed period of
time;
164 (b) a loan of money on one or more deposits of personal property;
165 (c) the purchase, exchange, or possession of personal property on condition of selling the same property
back again to the pledgor or depositor; or
167 (d) a loan or advance of money on personal property by the pawnbroker taking chattel mortgage
security on the personal property, taking or receiving the personal property into the pawnbroker's
possession, and selling the unredeemed pledges.
170 (28) "Pawnbroker" means a person whose business:
171 (a) engages in a pawn transaction; or
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(b) holds itself out as being in the business of a pawnbroker or pawnshop, regardless of whether the person or business enters into pawn transactions or secondhand merchandise transactions.

(29) "Pawnshop" means the physical location or premises where a pawnbroker conducts business.

(30) "Pledgor" means an individual who conducts a pawn transaction with a pawnshop.

(31) "Property" means an article of tangible personal property, numismatic item, precious metal, gift card, transaction card, or other physical or digital card or certificate evidencing store credit, and includes a wireless communication device.

(32) "Retail media item" means recorded music, a movie, or a video game that is produced and distributed in hard copy format for retail sale.

(33) "Scrap jewelry" means an item purchased solely:

(a) for its gold, silver, or platinum content; and

(b) for the purpose of reuse of the metal content.

(34)

(a) "Secondhand merchandise dealer" means a person whose business:

(i) engages in a secondhand merchandise transaction; and

(ii) does not engage in a pawn transaction.

(b) "Secondhand merchandise dealer" includes a coin dealer and an automated recycling kiosk operator.

(c) "Secondhand merchandise dealer" does not include:

(i) an antique shop when dealing in antique items;

(ii) a person who operates an auction house, flea market, or vehicle, vessel, and outboard motor dealers as defined in Section 41-1a-102;

(iii) the sale of secondhand goods at events commonly known as "garage sales," "yard sales," "estate sales," "storage unit sales," or "storage unit auctions";

(iv) the sale or receipt of secondhand books, magazines, post cards, or nonelectronic:

(A) card games;

(B) table-top games; or

(C) magic tricks;

(v) the sale or receipt of used merchandise donated to recognized nonprofit, religious, or charitable organizations or any school-sponsored association, and for which no compensation is paid;

(vi) the sale or receipt of secondhand clothing, shoes, furniture, or appliances;

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(vii) a person offering the person's own personal property for sale, purchase, consignment, or trade via the [Internet] internet;

(viii) a person offering the personal property of others for sale, purchase, consignment, or trade via the [Internet] internet, when that person does not have, and is not required to have, a local business or occupational license or other authorization for this activity;

(ix) an owner or operator of a retail business that:

(A) receives used merchandise as a trade-in for similar new merchandise[-]; or

(B) receives used retail media items as a trade-in for similar new or used retail media items;

(x) an owner or operator of a business that contracts with other persons to offer those persons' secondhand goods for sale, purchase, consignment, or trade via the [Internet] internet;

(xi) any dealer as defined in Section 76-6-1402, that concerns scrap metal and secondary metals;

(xii) the purchase of items in bulk that are:

(A) sold at wholesale in bulk packaging;

(B) sold by a person licensed to conduct business in Utah; and

(C) regularly sold in bulk quantities as a recognized form of sale;

(xiii) the owner or operator of a children's product resale business;

(xiv) a consignment shop when dealing in consigned property; or

(xv) a catalytic converter purchaser.

(35) "Secondhand merchandise transaction" means the purchase or exchange of used or secondhand property.

(36) "Ticket" means a document upon which information is entered when a pawn transaction or secondhand merchandise transaction is made.

(37) "Transaction card" means a card, code, or other means of access to a value with the retail business issued to a person that allows the person to obtain, purchase, or receive any of the following:

(a) goods;

(b) services;

(c) money; or

(d) anything else of value.

(38) "Wireless communication device" means a cellular telephone or a portable electronic device designed to receive and transmit a text message, email, video, or voice communication.

Section 2. Section **26B-7-501** is amended to read:

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26B-7-501. Definitions.

As used in this part:

- (1) "Community location" means the same as that term is defined:
 - (a) as it relates to a municipality, in Section 10-8-41.6; and
 - (b) as it relates to a county, in Section 17-50-333.
- (2) "Electronic cigarette" means the same as that term is defined in Section 76-9-1101.
- (3) "Electronic cigarette product" means the same as that term is defined in Section 76-9-1101.
- (4) "Electronic cigarette substance" means the same as that term is defined in Section 76-9-1101.
- (5) "Employee" means an employee of a tobacco retailer.
- (6) "Enforcing agency" means the department, or any local health department enforcing the provisions of this part.
- (7) "General tobacco retailer" means a tobacco retailer that is not a retail tobacco specialty business.
- (8) "Local health department" means the same as that term is defined in Section 26A-1-102.
- (9) "Manufacture" includes:
 - (a) to cast, construct, or make electronic cigarettes; or
 - (b) to blend, make, process, or prepare an electronic cigarette substance.
- ~~[(10) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette substance that is sold in a container that:]~~
- ~~[(a) is prefilled by the electronic cigarette substance manufacturer; and]~~
- ~~[(b) the electronic cigarette manufacturer does not intend for a consumer to open.]~~
- ~~[(11)] (10) "Manufacturer sealed electronic cigarette product" means:~~
 - (a) an electronic cigarette substance or container that the electronic cigarette manufacturer does not intend for a consumer to open or refill; or
 - (b) a prefilled electronic cigarette as that term is defined in Section 76-9-1101.
- (11) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette substance that is sold in a container that:
 - (a) is prefilled by the electronic cigarette substance manufacturer; and
 - (b) the electronic cigarette manufacturer does not intend for a consumer to open.
- (12) "Nicotine" means the same as that term is defined in Section 76-9-1101.
- (13) "Nicotine product" means the same as that term is defined in Section 76-9-1101.
- (14) "Non-tobacco shisha" means any product that:

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- 276 (a) does not contain tobacco or nicotine; and
277 (b) is smoked or intended to be smoked in a hookah or water pipe.
- 278 (15) "Owner" means a person holding a 20% ownership interest in the business that is required to obtain
a permit under this part.
- 280 (16) "Permit" means a tobacco retail permit issued under Section 26B-7-507.
- 281 (17) "Place of public access" means any enclosed indoor place of business, commerce, banking,
financial service, or other service-related activity, whether publicly or privately owned and whether
operated for profit or not, to which persons not employed at the place of public access have general
and regular access or which the public uses, including:
- 286 (a) buildings, offices, shops, elevators, or restrooms;
287 (b) means of transportation or common carrier waiting rooms;
288 (c) restaurants, cafes, or cafeterias;
289 (d) taverns as defined in Section 32B-1-102, or cabarets;
290 (e) shopping malls, retail stores, grocery stores, or arcades;
291 (f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical sites, auditoriums, or
arenas;
293 (g) barber shops, hair salons, or laundromats;
294 (h) sports or fitness facilities;
295 (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and breakfast" lodging
facilities, and other similar lodging facilities, including the lobbies, hallways, elevators, restaurants,
cafeterias, other designated dining areas, and restrooms of any of these;
- 299 (j)
(i) any child care facility or program subject to licensure or certification under this title, including those
operated in private homes, when any child cared for under that license is present; and
302 (ii) any child care, other than child care as defined in Section 26B-2-401, that is not subject to licensure
or certification under this title, when any child cared for by the provider, other than the child of the
provider, is present;
- 305 (k) public or private elementary or secondary school buildings and educational facilities or the property
on which those facilities are located;
- 307 (l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or religious
organization when used solely by the organization members or the members' guests or families;

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- 310 (m) any facility rented or leased for private functions from which the general public is excluded and
arrangements for the function are under the control of the function sponsor;
- 313 (n) any workplace that is not a place of public access or a publicly owned building or office but has one
or more employees who are not owner-operators of the business;
- 315 (o) any area where the proprietor or manager of the area has posted a conspicuous sign stating "no
smoking", "thank you for not smoking", or similar statement; and
- 317 (p) a holder of a bar establishment license, as defined in Section 32B-1-102.
- 318 (18)
- [{a}] "Proof of age" means:
- 319 [{i}] (a) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
- 321 [{ii}] (b) a valid identification that:
- 322 [{A}] (i) is substantially similar to an identification card issued under Title 53, Chapter 3, Part 8,
Identification Card Act;
- 324 [{B}] (ii) is issued in accordance with the laws of a state other than Utah in which the identification is
issued;
- 326 [{C}] (iii) includes date of birth; and
- 327 [{D}] (iv) has a picture affixed;
- 328 [{iii}] (c) a valid driver license certificate that is issued under Title 53, Chapter 3, Uniform Driver
License Act, or in accordance with the laws of the state in which the valid driver license is
issued;
- 331 [{iv}] (d) a valid United States military identification card that:
- 332 [{A}] (i) includes date of birth; and
- 333 [{B}] (ii) has a picture affixed; or
- 334 [{v}] (e) a valid passport.
- 335 [(b) "Proof of age" does not include a valid driving privilege card issued in accordance with Section
53-3-207.]
- 337 (19) "Publicly owned building or office" means any enclosed indoor place or portion of a place owned,
leased, or rented by any state, county, or municipal government, or by any agency supported by
appropriation of, or by contracts or grants from, funds derived from the collection of federal, state,
county, or municipal taxes.
- 341 (20) "Retail tobacco specialty business" means the same as that term is defined:

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- 342 (a) as it relates to a municipality, in Section 10-8-41.6; and
343 (b) as it relates to a county, in Section 17-50-333.
- 344 (21) "Shisha" means any product that:
345 (a) contains tobacco or nicotine; and
346 (b) is smoked or intended to be smoked in a hookah or water pipe.
- 347 (22) "Smoking" means:
348 (a) the possession of any lighted or heated tobacco product in any form;
349 (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or hookah that
contains:
351 (i) tobacco or any plant product intended for inhalation;
352 (ii) shisha or non-tobacco shisha;
353 (iii) nicotine;
354 (iv) a natural or synthetic tobacco substitute; or
355 (v) a natural or synthetic flavored tobacco product;
356 (c) using an electronic cigarette; or
357 (d) using an oral smoking device intended to circumvent the prohibition of smoking in this part.
- 359 (23) "Tax commission license" means a license issued by the State Tax Commission under:
360 (a) Section 59-14-201 to sell a cigarette at retail;
361 (b) Section 59-14-301 to sell a tobacco product at retail; or
362 (c) Section 59-14-803 to sell an electronic cigarette product or a nicotine product.
- 363 (24) "Tobacco product" means:
364 (a) a tobacco product as defined in Section 76-9-1101; or
365 (b) tobacco paraphernalia as defined in Section 76-9-1101.
- 366 (25) "Tobacco retailer" means a person that is required to obtain a tax commission license.

372 Section 3. Section 31A-22-302.5 is amended to read:

373 **31A-22-302.5. Named driver exclusions.**

- 374 (1) A policy of personal lines insurance or combination of personal lines policies purchased to satisfy
the owner's or operator's security requirement under Section 41-12a-301 may specifically exclude
from coverage:
377 (a) a person who is a resident of the named insured's household, including a person who usually makes
the person's home in the same household but temporarily lives elsewhere; or

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- 380 (b) a person who usually or customarily operates the motor vehicle.
- 381 (2) The named driver exclusion under Subsection (1) is effective only if:
- 382 (a) at the time of the proposed exclusion, each person excluded from coverage satisfies the owner's or
operator's security requirement under Section 41-12a-301, independently of the named insured's
proof of owner's or operator's security;
- 385 (b) any named insured and the person excluded from coverage each provide written consent to the
exclusion; and
- 387 (c) the insurer includes the name of each person excluded from coverage in the evidence of insurance
provided to an additional insured or loss payee.
- 389 (3) The provisions of Subsection (2)(a) do not apply to the named driver exclusion of the person
excluded from coverage if the person's driver license has been denied, suspended, or revoked.
- 392 (4) The named driver exclusion shall remain effective until removed by the insurer.
- 393 (5) If the driver license of a person excluded from coverage under Subsection (1) has been denied,
suspended, revoked, or disqualified and the person excluded from coverage subsequently operates a
motor vehicle, the exclusion shall:
- 396 (a) exclude all liability coverage and all physical damage coverage without regard to the comparative
fault of the excluded driver;
- 398 (b) proportionately reduce any benefits otherwise payable to the person excluded from coverage and to
any named insured for benefits payable under uninsured motorist coverage, underinsured motorist
coverage, personal injury protection coverage, and first party medical coverage to the extent the
person excluded from coverage was comparatively at fault; and
- 403 (c) if the person excluded from coverage is 50% or more at fault in causing the accident, bar both the
excluded driver and any named insured from recovering any benefits under any coverage listed
under Subsection (5)(b).
- 406 (6) The named driver exclusion under Subsection (1) does not apply when the person excluded from
coverage is:
- 408 (a) a non-driving passenger in a motor vehicle; or
- 409 (b) a pedestrian.
- 410 (7) Nothing in this part precludes an insurer from offering motor vehicle insurance coverage to an
individual who does not possess a valid driver license.

412 Section 4. Section **32B-1-102** is amended to read:

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413 **32B-1-102. Definitions.**

As used in this title:

- 370 (1) "Airport lounge" means a business location:
- 371 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
- 372 (b) that is located at an international airport or domestic airport.
- 373 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail License Act,
- and Chapter 6, Part 5, Airport Lounge License.
- 375 (3) "Alcoholic beverage" means the following:
- 376 (a) beer; or
- 377 (b) liquor.
- 378 (4)
- (a) "Alcoholic product" means a product that:
- 379 (i) contains at least .5% of alcohol by volume; and
- 380 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses
- liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal
- to or greater than .5% of alcohol by volume.
- 383 (b) "Alcoholic product" includes an alcoholic beverage.
- 384 (c) "Alcoholic product" does not include any of the following common items that otherwise come
- within the definition of an alcoholic product:
- 386 (i) except as provided in Subsection (4)(d), an extract;
- 387 (ii) vinegar;
- 388 (iii) preserved nonintoxicating cider;
- 389 (iv) essence;
- 390 (v) tincture;
- 391 (vi) food preparation; or
- 392 (vii) an over-the-counter medicine.
- 393 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation when it is used as
- a flavoring in the manufacturing of an alcoholic product.
- 395 (5) "Alcohol training and education seminar" means a seminar that is:
- 396 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 397 (b) described in Section 26B-5-205.

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- 398 (6)
- (a) "Amphitheater" means an outdoor, multi-use performance venue that:
- 399 (i) is primarily used to present live entertainment, including music, dance, comedy, and theater;
- 401 (ii) has the capacity to hold over 10,000 patrons; and
- 402 (iii) is located in a county of the first class.
- 403 (b) "Amphitheater" does not include a space that is used to present sporting events or sporting competitions.
- 405 (7) "Arena" means an enclosed building:
- 406 (a) that is managed by:
- 407 (i) the same person who owns the enclosed building;
- 408 (ii) a person who has a majority interest in each person who owns or manages a space in the enclosed building; or
- 410 (iii) a person who has authority to direct or exercise control over the management or policy of each person who owns or manages a space in the enclosed building;
- 412 (b) that operates as a venue; and
- 413 (c) that has an occupancy capacity of at least 12,500.
- 414 (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8c, Arena License Act.
- 416 (9) "Banquet" means an event:
- 417 (a) that is a private event or a privately sponsored event;
- 418 (b) that is held at one or more designated locations approved by the commission in or on the premises of:
- 420 (i) a hotel;
- 421 (ii) a resort facility;
- 422 (iii) a sports center;
- 423 (iv) a convention center;
- 424 (v) a performing arts facility;
- 425 (vi) an arena;
- 426 (vii) a restaurant venue; or
- 427 (viii) an amphitheater;
- 428 (c) for which there is a contract:

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- 429 (i) between a person operating a facility listed in Subsection (9)(b) and another person that has common
ownership of less than 20% with the person operating the facility; and
- 432 (ii) under which the person operating a facility listed in Subsection (9)(b) is required to provide an
alcoholic product at the event; and
- 434 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 435 (10)
- (a) "Bar establishment license" means a license issued in accordance with Chapter 5, Retail License
Act, and Chapter 6, Part 4, Bar Establishment License.
- 437 (b) "Bar establishment license" includes:
- 438 (i) a dining club license;
- 439 (ii) an equity license;
- 440 (iii) a fraternal license; or
- 441 (iv) a bar license.
- 442 (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act, and
Chapter 6, Part 4, Bar Establishment License.
- 444 (12)
- (a) "Beer" means a product that:
- 445 (i) contains:
- 446 (A) at least .5% of alcohol by volume; and
- 447 (B) no more than 5% of alcohol by volume or 4% by weight;
- 448 (ii) is obtained by fermentation, infusion, or decoction of:
- 449 (A) malt; or
- 450 (B) a malt substitute; and
- 451 (iii) is clearly marketed, labeled, and identified as:
- 452 (A) beer;
- 453 (B) ale;
- 454 (C) porter;
- 455 (D) stout;
- 456 (E) lager;
- 457 (F) a malt;
- 458 (G) a malted beverage; or

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- 459 (H) seltzer.
- 460 (b) "Beer" may contain:
- 461 (i) hops extract;
- 462 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 463 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
- 464 (A) is used in the production of beer;
- 465 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade Bureau after the
formula is filed for approval under 27 C.F.R. Sec. 25.55; and
- 467 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 468 (c) "Beer" does not include:
- 469 (i) a flavored malt beverage;
- 470 (ii) a product that contains alcohol derived from:
- 471 (A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or
- 472 (B) wine; or
- 473 (iii) a product that contains an additive masking or altering a physiological effect of alcohol, including
kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- 476 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5, Retail License
Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 478 (14) "Beer retailer" means a business that:
- 479 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption
on or off the business premises; and
- 481 (b) is licensed as:
- 482 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer Retailer Local
Authority; or
- 484 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7,
On-Premise Beer Retailer License.
- 486 (15) "Beer wholesaling license" means a license:
- 487 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 488 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail licensees or
off-premise beer retailers.
- 490 (16) "Billboard" means a public display used to advertise, including:

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- 491 (a) a light device;
492 (b) a painting;
493 (c) a drawing;
494 (d) a poster;
495 (e) a sign;
496 (f) a signboard; or
497 (g) a scoreboard.
- 498 (17) "Brewer" means a person engaged in manufacturing:
499 (a) beer;
500 (b) heavy beer; or
501 (c) a flavored malt beverage.
- 502 (18) "Brewery manufacturing license" means a license issued in accordance with Chapter 11, Part 5,
Brewery Manufacturing License.
- 504 (19) "Certificate of approval" means a certificate of approval obtained from the department under
Section 32B-11-201.
- 506 (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a bus company
to a group of persons pursuant to a common purpose:
508 (a) under a single contract;
509 (b) at a fixed charge in accordance with the bus company's tariff; and
510 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other motor vehicle,
and a driver to travel together to one or more specified destinations.
- 512 (21) "Church" means a building:
513 (a) set apart for worship;
514 (b) in which religious services are held;
515 (c) with which clergy is associated; and
516 (d) that is tax exempt under the laws of this state.
- 517 (22) "Commission" means the Alcoholic Beverage Services Commission created in Section 32B-2-201.
- 519 (23) "Commissioner" means a member of the commission.
- 520 (24) "Community location" means:
521 (a) a public or private school as defined in Subsection (116);
522 (b) a church;

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- 523 (c) a public library;
524 (d) a public playground; or
525 (e) a public park.
- 526 (25) "Community location governing authority" means:
527 (a) the governing body of the community location; or
528 (b) if the commission does not know who is the governing body of a community location, a person who
appears to the commission to have been given on behalf of the community location the authority to
prohibit an activity at the community location.
- 531 (26) "Container" means a receptacle that contains an alcoholic product, including:
532 (a) a bottle;
533 (b) a vessel; or
534 (c) a similar item.
- 535 (27) "Controlled group of manufacturers" means as the commission defines by rule made in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 537 (28) "Convention center" means a facility that is:
538 (a) in total at least 30,000 square feet; and
539 (b) otherwise defined as a "convention center" by the commission by rule.
- 540 (29)
(a) "Counter" means a surface or structure in a dining area of a licensed premises where seating is
provided to a patron for service of food.
- 542 (b) "Counter" does not include a dispensing structure.
- 543 (30) "Crime involving moral turpitude" is as defined by the commission by rule.
- 544 (31) "Department" means the Department of Alcoholic Beverage Services created in Section
32B-2-203.
- 546 (32) "Department compliance officer" means an individual who is:
547 (a) an auditor or inspector; and
548 (b) employed by the department.
- 549 (33) "Department sample" means liquor that is placed in the possession of the department for testing,
analysis, and sampling.

551

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

(35) "Director," unless the context requires otherwise, means the director of the department.

(36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:

(a) against a person subject to administrative action; and

(b) that is brought on the basis of a violation of this title.

(37)

(a) Subject to Subsection (37)(b), "dispense" means:

(i) drawing an alcoholic product; and

(ii) using the alcoholic product at the location from which it was drawn to mix or prepare an alcoholic product to be furnished to a patron of the retail licensee.

(b) The definition of "dispense" in this Subsection (37) applies only to:

(i) a full-service restaurant license;

(ii) a limited-service restaurant license;

(iii) a reception center license;

(iv) a beer-only restaurant license;

(v) a bar license;

(vi) an on-premise beer retailer;

(vii) an airport lounge license;

(viii) an on-premise banquet license; and

(ix) a hospitality amenity license.

(38) "Dispensing structure" means a surface or structure on a licensed premises:

(a) where an alcoholic product is dispensed; or

(b) from which an alcoholic product is served.

(39) "Distillery manufacturing license" means a license issued in accordance with Chapter 11, Part 4, Distillery Manufacturing License.

(40) "Distressed merchandise" means an alcoholic product in the possession of the department that is saleable, but for some reason is unappealing to the public.

(41) "Domestic airport" means an airport that:

(a) has at least 15,000 commercial airline passenger boardings in any five-year period;

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- 581 (b) receives scheduled commercial passenger aircraft service; and
582 (c) is not an international airport.
- 583 (42) "Equity license" means a license issued in accordance with Chapter 5, Retail License Act, and
Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as an equity
license.
- 586 (43) "Event permit" means:
587 (a) a single event permit; or
588 (b) a temporary beer event permit.
- 589 (44) "Exempt license" means a license exempt under Section 32B-1-201 from being considered in
determining the total number of retail licenses that the commission may issue at any time.
- 592 (45)
(a) "Flavored malt beverage" means a beverage:
593 (i) that contains at least .5% alcohol by volume;
594 (ii) for which the producer is required to file a formula for approval with the federal Alcohol and
Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage is treated by
processing, filtration, or another method of manufacture that is not generally recognized as a
traditional process in the production of a beer, ale, porter, stout, lager, or malt liquor; and
599 (iii) for which the producer is required to file a formula for approval with the federal Alcohol and
Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage includes an
ingredient containing alcohol.
- 602 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or ethanol-based
flavoring agent that contributes to the overall alcohol content of the beverage.
- 605 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 606 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 607 (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License Act, and
Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a fraternal
license.
- 610 (47) "Full-service restaurant license" means a license issued in accordance with Chapter 5, Retail
License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 612 (48)

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(a) "Furnish" means by any means to provide with, supply, or give an individual an alcoholic product, by sale or otherwise.

(b) "Furnish" includes to:

(i) serve;

(ii) deliver; or

(iii) otherwise make available.

(49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).

(50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

(51) "Health care practitioner" means:

(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

(c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;

(e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy Practice Act;

(g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act;

(h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

(i) a mental health professional licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;

(j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

(k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; and

(m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.

(52)

(a) "Heavy beer" means a product that:

(i)

(A) contains more than 5% alcohol by volume;

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(B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes more than 10% of the overall alcohol content of the product; or

(C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and has a label or packaging that is rejected under Subsection 32B-1-606(3)(b); and

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

(A) malt; or

(B) a malt substitute.

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

(c) "Heavy beer" does not include:

(i) a flavored malt beverage;

(ii) a product that contains alcohol derived from:

(A) except as provided in Subsections (52)(a)(i)(B) and (52)(b), spirituous liquor; or

(B) wine; or

(iii) a product that contains an additive masking or altering a physiological effect of alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.

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

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

(54)

(a) "Hotel" means a commercial lodging establishment that:

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

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

(iii)

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

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

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

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

(i) meets the requirements under Subsection (54)(a); and

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

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

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

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

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

(59)

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

(i) law; or

(ii) court order.

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

(60) "International airport" means an airport:

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

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

(61) "Intoxicated" or "intoxication" means that

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

(a) an alcoholic product;

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- 711 (b) a controlled substance;
712 (c) a substance having the property of releasing toxic vapors; or
713 (d) a combination of products or substances described in Subsections (61)(a) through (c).
714 (62) "Investigator" means an individual who is:
715 (a) a department compliance officer; or
716 (b) a nondepartment enforcement officer.
717 (63) "License" means:
718 (a) a retail license;
719 (b) a sublicense;
720 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License;
722 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses Act;
724 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
725 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
726 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
727 (64) "Licensee" means a person who holds a license.
728 (65) "Limited-service restaurant license" means a license issued in accordance with Chapter 5, Retail
License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
730 (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other than a bus or
taxicab:
732 (a) in which the driver and a passenger are separated by a partition, glass, or other barrier;
734 (b) that is provided by a business entity to one or more individuals at a fixed charge in accordance with
the business entity's tariff; and
736 (c) to give the one or more individuals the exclusive use of the limousine and a driver to travel to one or
more specified destinations.
738 (67)
(a)
(i) "Liquor" means a liquid that:
739 (A) is:
740 (I) alcohol;
741 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
742 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or

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- 744 (IV) other drink or drinkable liquid; and
745 (B)
(I) contains at least .5% alcohol by volume; and
746 (II) is suitable to use for beverage purposes.
747 (ii) "Liquor" includes:
748 (A) heavy beer;
749 (B) wine; and
750 (C) a flavored malt beverage.
751 (b) "Liquor" does not include beer.
752 (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
753 (69) "Liquor transport license" means a license issued in accordance with Chapter 17, Liquor Transport
License Act.
755 (70) "Liquor warehousing license" means a license that is issued:
756 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
757 (b) to a person, other than a licensed manufacturer, who engages in the importation for storage, sale, or
distribution of liquor regardless of amount.
759 (71) "Local authority" means:
760 (a) for premises that are located in an unincorporated area of a county, the governing body of a county;
762 (b) for premises that are located in an incorporated city or town, the governing body of the city or town;
or
764 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in a project
area plan adopted by the Military Installation Development Authority under Title 63H, Chapter 1,
Military Installation Development Authority Act, the Military Installation Development Authority.
768 (72) "Lounge or bar area" is as defined by rule made by the commission.
769 (73) "Malt substitute" means:
770 (a) rice;
771 (b) grain;
772 (c) bran;
773 (d) glucose;
774 (e) sugar; or
775 (f) molasses.

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- 776 (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make
an alcoholic product for personal use or for sale or distribution to others.
- 778 (75) "Member" means an individual who, after paying regular dues, has full privileges in an equity
licensee or fraternal licensee.
- 780 (76)
- (a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility
for a ship:
- 782 (i)
- (A) under the control of the United States Department of Defense; or
- 783 (B) of the National Guard;
- 784 (ii) that is located within the state; and
- 785 (iii) including a leased facility.
- 786 (b) "Military installation" does not include a facility used primarily for:
- 787 (i) civil works;
- 788 (ii) a rivers and harbors project; or
- 789 (iii) a flood control project.
- 790 (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products are kept and
offered for self-service sale or consumption.
- 792 (78) "Minor" means an individual under 21 years old.
- 793 (79) "Nondepartment enforcement agency" means an agency that:
- 794 (a)
- (i) is a state agency other than the department; or
- 795 (ii) is an agency of a county, city, or town; and
- 796 (b) has a responsibility to enforce one or more provisions of this title.
- 797 (80) "Nondepartment enforcement officer" means an individual who is:
- 798 (a) a peace officer, examiner, or investigator; and
- 799 (b) employed by a nondepartment enforcement agency.
- 800 (81)
- (a) "Off-premise beer retailer" means a beer retailer who is:
- 801 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- 802 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's premises.

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- 804 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 805 (82) "Off-premise beer retailer state license" means a state license issued in accordance with Chapter 7,
Part 4, Off-premise Beer Retailer State License.
- 807 (83) "On-premise banquet license" means a license issued in accordance with Chapter 5, Retail License
Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 809 (84) "On-premise beer retailer" means a beer retailer who is:
- 810 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance with Chapter 5,
Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 813 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's premises:
- 815 (i) regardless of whether the beer retailer sells beer for consumption off the licensed premises; and
- 817 (ii) on and after March 1, 2012, operating:
- 818 (A) as a tavern; or
- 819 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 820 (85) "Opaque" means impenetrable to sight.
- 821 (86) "Package agency" means a retail liquor location operated:
- 822 (a) under an agreement with the department; and
- 823 (b) by a person:
- 824 (i) other than the state; and
- 825 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package Agency, to sell
packaged liquor for consumption off the premises of the package agency.
- 828 (87) "Package agent" means a person who holds a package agency.
- 829 (88) "Patron" means an individual to whom food, beverages, or services are sold, offered for sale, or
furnished, or who consumes an alcoholic product including:
- 831 (a) a customer;
- 832 (b) a member;
- 833 (c) a guest;
- 834 (d) an attendee of a banquet or event;
- 835 (e) an individual who receives room service;
- 836 (f) a resident of a resort; or
- 837 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity license.
- 839 (89)

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(a) "Performing arts facility" means a multi-use performance space that:

(i) is primarily used to present various types of performing arts, including dance, music, and theater;

(ii) contains over 2,500 seats;

(iii) is owned and operated by a governmental entity; and

(iv) is located in a city of the first class.

(b) "Performing arts facility" does not include a space that is used to present sporting events or sporting competitions.

(90) "Permittee" means a person issued a permit under:

(a) Chapter 9, Event Permit Act; or

(b) Chapter 10, Special Use Permit Act.

(91) "Person subject to administrative action" means:

(a) a licensee;

(b) a permittee;

(c) a manufacturer;

(d) a supplier;

(e) an importer;

(f) one of the following holding a certificate of approval:

(i) an out-of-state brewer;

(ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or

(iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or

(g) staff of:

(i) a person listed in Subsections (91)(a) through (f); or

(ii) a package agent.

(92) "Premises" means a building, enclosure, or room used in connection with the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product, unless otherwise defined in this title or rules made by the commission.

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

(a) the health care practitioner is licensed under Title 58, Occupations and Professions, to prescribe a controlled substance, other drug, or device for medicinal purposes;

(b) the order is made in the course of that health care practitioner's professional practice; and

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- 871 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
872 (94)
- (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 873 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 874 (95) "Principal license" means:
- 875 (a) a resort license;
876 (b) a hotel license; or
877 (c) an arena license.
- 878 (96)
- (a) "Private event" means a specific social, business, or recreational event:
- 879 (i) for which an entire room, area, or hall is leased or rented in advance by an identified group; and
881 (ii) that is limited in attendance to people who are specifically designated and their guests.
- 883 (b) "Private event" does not include an event to which the general public is invited, whether for an admission fee or not.
- 885 (97) "Privately sponsored event" means a specific social, business, or recreational event:
- 886 (a) that is held in or on the premises of an on-premise banquet licensee; and
887 (b) to which entry is restricted by an admission fee.
- 888 (98)
- [~~(a)~~] "Proof of age" means:
- 889 [~~(i)~~] (a) an identification card;
- 890 [~~(ii)~~] (b) an identification that:
- 891 [~~(A)~~] (i) is substantially similar to an identification card;
- 892 [~~(B)~~] (ii) is issued in accordance with the laws of a state other than Utah in which the identification is issued;
- 894 [~~(C)~~] (iii) includes date of birth; and
- 895 [~~(D)~~] (iv) has a picture affixed;
- 896 [~~(iii)~~] (c) a valid driver license certificate that:
- 897 [~~(A)~~] (i) includes date of birth;
- 898 [~~(B)~~] (ii) has a picture affixed; and
- 899

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[(C)] (iii) is issued under Title 53, Chapter 3, Uniform Driver License Act, in accordance with the laws of the state in which it is issued, or in accordance with federal law by the United States Department of State;

902 [(iv)] (d) a military identification card that:

903 [(A)] (i) includes date of birth; and

904 [(B)] (ii) has a picture affixed; or

905 [(v)] (e) a valid passport.

906 [(b) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.]

908 (99) "Provisions applicable to a sublicense" means:

909 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;

911 (b) for a limited-service restaurant sublicense, the provisions applicable to a limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;

914 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment license under Chapter 6, Part 4, Bar Establishment License;

916 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise banquet license under Chapter 6, Part 6, On-Premise Banquet License;

918 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;

920 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;

922 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity license under Chapter 6, Part 10, Hospitality Amenity License; and

924 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d, Part 2, Resort Spa Sublicense.

926 (100)

(a) "Public building" means a building or permanent structure that is:

927 (i) owned or leased by:

928 (A) the state; or

929 (B) a local government entity; and

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- 930 (ii) used for:
- 931 (A) public education;
- 932 (B) transacting public business; or
- 933 (C) regularly conducting government activities.
- 934 (b) "Public building" does not include a building owned by the state or a local government entity when
the building is used by a person, in whole or in part, for a proprietary function.
- 937 (101) "Public conveyance" means a conveyance that the public or a portion of the public has access
to and a right to use for transportation, including an airline, railroad, bus, boat, or other public
conveyance.
- 940 (102) "Reception center" means a business that:
- 941 (a) operates facilities that are at least 5,000 square feet; and
- 942 (b) has as its primary purpose the leasing of the facilities described in Subsection (102)(a) to a third
party for the third party's event.
- 944 (103) "Reception center license" means a license issued in accordance with Chapter 5, Retail License
Act, and Chapter 6, Part 8, Reception Center License.
- 946 (104)
- (a) "Record" means information that is:
- 947 (i) inscribed on a tangible medium; or
- 948 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 949 (b) "Record" includes:
- 950 (i) a book;
- 951 (ii) a book of account;
- 952 (iii) a paper;
- 953 (iv) a contract;
- 954 (v) an agreement;
- 955 (vi) a document; or
- 956 (vii) a recording in any medium.
- 957 (105) "Residence" means a person's principal place of abode within Utah.
- 958 (106) "Resident," in relation to a resort, means the same as that term is defined in Section 32B-8-102.
- 960 (107) "Resort" means the same as that term is defined in Section 32B-8-102.
- 961 (108) "Resort facility" is as defined by the commission by rule.

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- 962 (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License Act, and
Chapter 8, Resort License Act.
- 964 (110) "Responsible alcohol service plan" means a written set of policies and procedures that outlines
measures to prevent employees from:
- 966 (a) over-serving alcoholic beverages to customers;
- 967 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated; and
- 969 (c) serving alcoholic beverages to minors.
- 970 (111) "Restaurant" means a business location:
- 971 (a) at which a variety of foods are prepared;
- 972 (b) at which complete meals are served; and
- 973 (c) that is engaged primarily in serving meals.
- 974 (112) "Restaurant license" means one of the following licenses issued under this title:
- 975 (a) a full-service restaurant license;
- 976 (b) a limited-service restaurant license; or
- 977 (c) a beer-only restaurant license.
- 978 (113) "Restaurant venue" means a room within a restaurant that:
- 979 (a) is located on the licensed premises of a restaurant licensee;
- 980 (b) is separated from the area within the restaurant for a patron's consumption of food by a permanent,
opaque, floor-to-ceiling wall such that the inside of the room is not visible to a patron in the area
within the restaurant for a patron's consumption of food; and
- 984 (c)
- (i) has at least 1,000 square feet that:
- 985 (A) may be reserved for a banquet; and
- 986 (B) accommodates at least 75 individuals; or
- 987 (ii) if the restaurant is located in a small or unincorporated locality, has an appropriate amount of space,
as determined by the commission, that may be reserved for a banquet.
- 990 (114) "Retail license" means one of the following licenses issued under this title:
- 991 (a) a full-service restaurant license;
- 992 (b) a master full-service restaurant license;
- 993 (c) a limited-service restaurant license;
- 994 (d) a master limited-service restaurant license;

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- 995 (e) a bar establishment license;
996 (f) an airport lounge license;
997 (g) an on-premise banquet license;
998 (h) an on-premise beer license;
999 (i) a reception center license;
1000 (j) a beer-only restaurant license;
1001 (k) a hospitality amenity license;
1002 (l) a resort license;
1003 (m) a hotel license; or
1004 (n) an arena license.
- 1005 (115) "Room service" means furnishing an alcoholic product to a person in a guest room or privately
owned dwelling unit of a:
1007 (a) hotel; or
1008 (b) resort facility.
- 1009 (116)
(a) "School" means a building in which any part is used for more than three hours each weekday during
a school year as a public or private:
1011 (i) elementary school;
1012 (ii) secondary school; or
1013 (iii) kindergarten.
- 1014 (b) "School" does not include:
1015 (i) a nursery school;
1016 (ii) a day care center;
1017 (iii) a trade and technical school;
1018 (iv) a preschool;
1019 (v) a home school;
1020 (vi) a home-based microschool as defined in Section 53G-6-201; or
1021 (vii) a micro-education entity as defined in Section 53G-6-201.
- 1022 (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for additional
flavoring that is different in type, flavor, or brand from the primary spirituous liquor in the beverage.
1025

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(118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules made by the commission.

1030 (119) "Serve" means to place an alcoholic product before an individual.

1031 (120) "Sexually oriented entertainer" means a person who while in a state of seminudity appears at or performs:

1033 (a) for the entertainment of one or more patrons;

1034 (b) on the premises of:

1035 (i) a bar licensee; or

1036 (ii) a tavern;

1037 (c) on behalf of or at the request of the licensee described in Subsection (120)(b);

1038 (d) on a contractual or voluntary basis; and

1039 (e) whether or not the person is designated as:

1040 (i) an employee;

1041 (ii) an independent contractor;

1042 (iii) an agent of the licensee; or

1043 (iv) a different type of classification.

1044 (121) "Shared seating area" means the licensed premises of two or more restaurant licensees that the restaurant licensees share as an area for alcoholic beverage consumption in accordance with Subsection 32B-5-207(3).

1047 (122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3, Single Event Permit.

1049 (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer, heavy beer, and flavored malt beverage per year, as the department calculates by:

1051 (a) if the brewer is part of a controlled group of manufacturers, including the combined volume totals of production for all breweries that constitute the controlled group of manufacturers; and

1054 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:

1055 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1058 (ii) does not sell for consumption as, or in, a beverage.

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- 1059 (124) "Small or unincorporated locality" means:
- 1060 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
- 1061 (b) a town, as classified under Section 10-2-301; or
- 1062 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified under Section 17-60-104.
- 1064 (125) "Spa sublicense" means a sublicense:
- 1065 (a) to a resort license or hotel license; and
- 1066 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa Sublicense.
- 1068 (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special Use Permit Act.
- 1070 (127)
- 1071 (a) "Spirituous liquor" means liquor that is distilled.
- 1071 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.
- 1073 (128) "Sports center" is as defined by the commission by rule.
- 1074 (129)
- 1074 (a) "Staff" means an individual who engages in activity governed by this title:
- 1075 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate holder;
- 1077 (ii) at the request of the business, including a package agent, licensee, permittee, or certificate holder; or
- 1079 (iii) under the authority of the business, including a package agent, licensee, permittee, or certificate holder.
- 1081 (b) "Staff" includes:
- 1082 (i) an officer;
- 1083 (ii) a director;
- 1084 (iii) an employee;
- 1085 (iv) personnel management;
- 1086 (v) an agent of the licensee, including a managing agent;
- 1087 (vi) an operator; or
- 1088 (vii) a representative.
- 1089 (130) "State of nudity" means:

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- 1090 (a) the appearance of:
- 1091 (i) the nipple or areola of a female human breast;
- 1092 (ii) a human genital;
- 1093 (iii) a human pubic area; or
- 1094 (iv) a human anus; or
- 1095 (b) a state of dress that fails to opaquely cover:
- 1096 (i) the nipple or areola of a female human breast;
- 1097 (ii) a human genital;
- 1098 (iii) a human pubic area; or
- 1099 (iv) a human anus.
- 1100 (131) "State of seminudity" means a state of dress in which opaque clothing covers no more than:
- 1102 (a) the nipple and areola of the female human breast in a shape and color other than the natural shape
and color of the nipple and areola; and
- 1104 (b) the human genitals, pubic area, and anus:
- 1105 (i) with no less than the following at its widest point:
- 1106 (A) four inches coverage width in the front of the human body; and
- 1107 (B) five inches coverage width in the back of the human body; and
- 1108 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 1109 (132)
- 1110 (a) "State store" means a facility for the sale of packaged liquor:
- 1111 (i) located on premises owned or leased by the state; and
- 1112 (ii) operated by a state employee.
- 1113 (b) "State store" does not include:
- 1114 (i) a package agency;
- 1115 (ii) a licensee; or
- 1116 (iii) a permittee.
- 1117 (133)
- 1118 (a) "Storage area" means an area on licensed premises where the licensee stores an alcoholic product.
- 1119 (b) "Store" means to place or maintain in a location an alcoholic product.
- 1120 (134) "Sublicense" means:

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(a) any of the following licenses issued as a subordinate license to, and contingent on the issuance of, a principal license:

- 1122 (i) a full-service restaurant license;
- 1123 (ii) a limited-service restaurant license;
- 1124 (iii) a bar establishment license;
- 1125 (iv) an on-premise banquet license;
- 1126 (v) an on-premise beer retailer license;
- 1127 (vi) a beer-only restaurant license; or
- 1128 (vii) a hospitality amenity license; or
- 1129 (b) a spa sublicense.

1130 (135) "Supplier" means a person who sells an alcoholic product to the department.

1131 (136) "Tavern" means an on-premise beer retailer who is:

1132 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

1134 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7, On-Premise Beer Retailer License.

1136 (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9, Part 4, Temporary Beer Event Permit.

1138 (138) "Temporary domicile" means the principal place of abode within Utah of a person who does not have a present intention to continue residency within Utah permanently or indefinitely.

1141 (139) "Translucent" means a substance that allows light to pass through, but does not allow an object or person to be seen through the substance.

1143 (140) "Unsaleable liquor merchandise" means a container that:

1144 (a) is unsaleable because the container is:

- 1145 (i) unlabeled;
- 1146 (ii) leaky;
- 1147 (iii) damaged;
- 1148 (iv) difficult to open; or
- 1149 (v) partly filled;

1150 (b)
(i) has faded labels or defective caps or corks;

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- 1151 (ii) has contents that are:
- 1152 (A) cloudy;
- 1153 (B) spoiled; or
- 1154 (C) chemically determined to be impure; or
- 1155 (iii) contains:
- 1156 (A) sediment; or
- 1157 (B) a foreign substance; or
- 1158 (c) is otherwise considered by the department as unfit for sale.
- 1159 (141)
- (a) "Wine" means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.
- 1162 (b) "Wine" includes:
- 1163 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 4.10; and
- 1165 (ii) hard cider.
- 1166 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in this title.
- 1168 (142) "Winery manufacturing license" means a license issued in accordance with Chapter 11, Part 3, Winery Manufacturing License.
- 1215 Section 5. Section **32B-1-406** is amended to read:
- 1216 **32B-1-406. Acceptance of identification.**
- 1172 (1) An authorized person may accept as evidence of the legal age of the individual presenting the following:
- 1174 (a) proof of age; or
- 1175 (b) if a statement of age is required under Section 32B-1-405:
- 1176 (i) proof of age; and
- 1177 (ii) a statement of age.
- 1178 (2) A statement of age, if properly completed, signed, and filed in accordance with Section 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:
- 1180 (a) selling, offering for sale, or furnishing an alcoholic product to the individual who signed the statement of age;
- 1182 (b) admitting the individual who signed the statement of age into a restricted area; or
- 1183

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(c) allowing the individual who signed the statement of age to be employed in employment that under this title may not be obtained by a minor.

[~~(3) An authorized person may not accept a driving privilege card issued in accordance with Section 53-3-207 as evidence of the legal age of an individual.]~~

~~{Section 5. Section 41-6a-404 is amended to read: }~~

41-6a-404. Accident reports -- When confidential -- Insurance policy information -- Use as evidence -- Penalty for false information.

(1) As used in this section:

(a)

(i) "Accident report" means the written report required of the investigating peace officer, including accompanying data and any later supplements, which describes the site, location, and manner of occurrence of an accident, the persons and vehicles involved, and any other pertinent data that may be useful in the determination of the causes of the accident.

(ii) "Accident report" may include:

(A) a police report;

(B) a motor vehicle collision report;

(C) a reportable accident report;

(D) a driving under the influence report;

(E) an animal control report;

(F) any witness statement or witness recording;

(G) an ambulance medical record or bill;

(H) any accompanying photograph, body camera video, dash camera video, and supplemental report; and

(I) other information, recording, and drawing generated in the investigation of an accident.

(b) "Accompanying data" means all materials gathered by the investigating peace officer in an accident investigation including:

(i) the identity of witnesses and, if known, contact information;

(ii) witness statements;

(iii) photographs;

(iv) surveillance, body camera, dash camera, and any other video footage;

(v) diagrams; and

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- 1215 (vi) field notes.
- 1216 (c) "Agent" means:
- 1217 (i) a person's attorney that has been formally engaged in anticipation of litigation or trial, or in active
litigation or trial, whether the representation is for a civil or criminal matter;
- 1220 (ii) a person's insurer;
- 1221 (iii) a general acute hospital, as defined in Section 26B-2-201, that:
- 1222 (A) has an emergency room; and
- 1223 (B) is providing or has provided emergency services to the person in relation to the accident; or
- 1225 (iv) any other individual or entity with signed permission from the person to receive the person's
accident report.
- 1227 (d) "Protected record" means the same as that term is defined in Section 63G-2-305.
- 1228 (e) "Unlawfully present alien" means an individual who is unlawfully present in the United States.
- 1230 [(e)] (f) "Unredacted accident report" means an accident report for which the accident report,
accompanying data, written material, audio recording, video recording, photograph, or any other
portion of the accident report has not been redacted, blacked out, blurred, cropped, clipped, or
otherwise modified.
- 1234 (2)
- (a) Except as provided in Subsections (3) and (8), all accident reports required in this part to be filed
with the department:
- 1236 (i) are without prejudice to the reporting individual;
- 1237 (ii) are protected and for the confidential use of the department or other state, local, or federal
agencies having use for the records for official governmental statistical, investigative, and
accident prevention purposes; and
- 1240 (iii) may be disclosed only in a statistical form that protects the privacy of any person involved in
the accident.
- 1242 (b) An investigating peace officer shall include in an accident report an indication as to whether the
accident occurred on a highway designated as a livestock highway in accordance with Section
72-3-112 if the accident resulted in the injury or death of livestock.
- 1246 (3)

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(a) Subject to the provisions of this section, the department or the responsible law enforcement agency employing the peace officer that investigated the accident shall disclose an unredacted accident report, containing the information described in Subsection 41-6a-402(4)(c), to:

(i) a person involved in the accident, excluding a witness to the accident;

(ii) a person suffering loss or injury in the accident;

(iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and (ii);

(iv) subject to Subsection (3)(d), a member of the press or broadcast news media;

(v)

(A) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes; and

(B) if the accident involves an individual who is an unlawfully present alien, to the Immigration and Customs Enforcement Agency of the United States Department of Homeland Security;

(vi) law enforcement personnel when acting in their official governmental capacity; and

(vii) a licensed private investigator who:

(A) represents an individual described in Subsections (3)(a)(i) through (iii); and

(B) demonstrates that the representation of the individual described in Subsections (3)(a)(i) through (iii) is directly related to the accident that is the subject of the accident report.

(b) The responsible law enforcement agency employing the peace officer that investigated the accident:

(i) shall in compliance with Subsection (3)(a):

(A) disclose an accident report; or

(B) upon written request disclose an accident report and its accompanying data within 10 business days from receipt of a written request for disclosure;

(ii) may withhold an accident report, and any of its accompanying data if disclosure would jeopardize an ongoing criminal investigation or criminal prosecution; or

(iii) may redact an individual's phone number or address from the accident report, if the disclosure of the information may endanger the life or physical safety of the individual, including when the individual is under witness protection.

(c) In accordance with Subsection (3)(a), the department or the responsible law enforcement agency employing the investigating peace officer shall disclose whether any person or vehicle involved in an accident reported under this section was covered by a vehicle insurance policy, and the name of the insurer.

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- 1282 (d) Information provided to a member of the press or broadcast news media under Subsection (3)(a)(iv)
may only include:
- 1284 (i) the name, age, sex, and city of residence of each person involved in the accident;
- 1285 (ii) the make and model year of each vehicle involved in the accident;
- 1286 (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
- 1288 (iv) the location of the accident; and
- 1289 (v) a description of the accident that excludes personal identifying information not listed in Subsection
(3)(d)(i).
- 1291 (e) The department shall disclose to any requesting person the following vehicle accident history
information, excluding personal identifying information, in bulk electronic form:
- 1294 (i) any vehicle identifying information that is electronically available, including the make, model year,
and vehicle identification number of each vehicle involved in an accident;
- 1297 (ii) the date of the accident; and
- 1298 (iii) any electronically available data which describes the accident, including a description of any
physical damage to the vehicle.
- 1300 (f) The department may establish a fee under Section 63J-1-504 based on the fair market value of the
information for providing bulk vehicle accident history information under Subsection (3)(e).
- 1303 (4)
- (a) Except as provided in Subsection (4)(b), accident reports filed under this section may not be used as
evidence in any civil or criminal trial arising out of an accident.
- 1305 (b)
- (i) Upon demand of any party to the trial or upon demand of any court, the department shall furnish a
certificate showing that a specified accident report has or has not been made to the department in
compliance with law.
- 1308 (ii) If the report has been made, the certificate furnished by the department shall show:
- 1310 (A) the date, time, and location of the accident;
- 1311 (B) subject to Subsections (4)(b)(iv) and (v), the name, phone number, and address of each person
involved in the accident, including a witness of the accident;
- 1314 (C) the owners of the vehicles involved; and
- 1315 (D) the investigating peace officers.
- 1316

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(iii) The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (6).

1318 (iv) If a witness requests that the witness's address and phone number be excluded from the accident report, the investigating officer shall:

1320 (A) exclude the witness's address and phone number from the accident report; and

1321 (B) create a separate record of the witness's address and phone number.

1322 (v) The record described in Subsection (4)(b)(iv) is discoverable in a lawsuit by a party that was involved in the accident if the lawsuit arises from the accident.

1324 (5)

(a) Except as provided in Subsections (5)(c) and (d), for an agent that requests a protected record that is part of an accident report that is relevant to that civil or criminal matter to which the accident report pertains, the responsible law enforcement agency shall provide the protected record in unredacted form if the attorney agent:

1329 (i) requests the protected record in writing;

1330 (ii) provides a letter of representation stating that:

1331 (A) the attorney has been engaged to represent the individual in a matter relevant to the accident report; and

1333 (B) the protected record will only be used as evidence in an active matter in anticipation of litigation or trial, or in active litigation or trial related to the accident report; and

1336 (iii) pays the relevant fees required by the responsible law enforcement agency.

1337 (b) An attorney described in Subsection (5)(a) that releases a protected record for any purpose not described in Subsection (5)(a)(ii)(B) is liable for the unlawful disclosure and subject to the penalties described in Section 63G-2-801.

1340 (c) For a protected record that is part of an accident report that contains video data, the responsible law enforcement agency may redact video data that is not relevant to the accident report.

1343 (d) A law enforcement agency is not required to disclose as part of an accident report any information for which disclosure is prohibited under Section 53-10-108.

1345 (6) A person who gives information in reports as required in this part knowing or having reason to believe that the information is false is guilty of a class A misdemeanor.

1347 (7) The department and the responsible law enforcement agency employing the investigating peace officer may charge a reasonable fee determined by the department under Section 63J-1-504 for the

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cost incurred in disclosing an accident report or an accident report and any of its accompanying data under Subsections (3)(a) and (b).

1351 (8)

(a) The Office of State Debt Collection, the Division of Risk Management, and the Department of Transportation may, in the performance of the regular duties of each respective division or department, disclose an accident report to:

1354 (i) a person involved in the accident, excluding a witness to the accident;

1355 (ii) an owner of a vehicle involved in the accident;

1356 (iii) an agent, parent, or legal guardian of a person described in Subsection (8)(a)(i) or (ii); or

1358 (iv) an insurer that provides motor vehicle insurance to a person described in Subsection (8)(a)(i) or (iii).

1360 (b) A disclosure under Subsection (8)(a) does not change the classification of the record as a protected record under Section 63G-2-305.

1362 (9)

(a) A person may not knowingly obtain an accident report described in this part if the person is not described in Subsection (3).

1364 (b) A person may not knowingly use information in an accident report to market services, including marketing for legal representation.

1366 (c) A person who violates this Subsection (9) is guilty of a class A misdemeanor.

1232 Section 6. Section 6 is enacted to read:

1233 **41-6a-410. Presumption of fault of an unlawfully present alien.**

1235 (1) As used in this section, "unlawfully present alien" means an individual who is unlawfully present in the United States.

1237 (2) In any civil action brought for damages caused by an accident involving an individual who is an unlawfully present alien, there is a rebuttable presumption that the unlawfully present alien is at fault for the accident for purposes of filing an insurance claim.

1240 (3) The presumption described in Subsection (2) may be rebutted by clear and convincing evidence that the unlawfully present alien was not at fault based on factors related to the collision, including:

1243 (a) witness statements;

1244 (b) accident reconstruction; or

1245 (c) video evidence.

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- 1246 (4) A peace officer investigating an accident shall include in the accident report described in Section
1248 41-6a-404:
1250 (a) an indication whether an individual involved in the accident is an unlawfully present alien; and
1252 (b) if an individual involved in the accident is an unlawfully present alien, an indication that the
1253 presumption described in Subsection (2) applies.
1254 (5) An insurance provider relevant to an accident involving an unlawfully present alien:
1255 (a) shall apply the presumption described in Subsection (2); and
1256 (b) may not pay a benefit or settle a claim with an unlawfully present alien.
- 1255 Section 7. Section **46-1-2** is amended to read:
1256 **46-1-2. Definitions.**
As used in this chapter:
- 1370 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is
personally known to the notary or proven on the basis of satisfactory evidence, has admitted, in the
presence of the notary, to voluntarily signing a document for the document's stated purpose.
- 1374 (2) "Before me" means that an individual appears in the presence of the notary.
- 1375 (3) "Commission" means:
- 1376 (a) to empower to perform notarial acts; or
- 1377 (b) the written document that gives authority to perform notarial acts, including the Certificate of
Authority of Notary Public that the lieutenant governor issues to a notary.
- 1380 (4) "Copy certification" means a notarial act in which a notary certifies that a photocopy is an accurate
copy of a document that is neither a public record nor publicly recorded.
- 1382 (5) "Electronic notarization" means:
- 1383 (a) a remote notarization; or
- 1384 (b) a notarization:
- 1385 (i) in an electronic format;
- 1386 (ii) of a document that may be recorded electronically under Subsection 17-71-402(2); and
- 1388 (iii) that conforms with rules made under Section 46-1-3.7.
- 1389 (6) "Electronic recording" means the audio and video recording, described in Subsection 46-1-3.6(3), of
a remote notarization.
- 1391

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(7) "Electronic seal" means an electronic version of the seal described in Section 46-1-16, that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary may attach to a notarial certificate to complete an electronic notarization.

1394 (8) "Electronic signature" means the same as that term is defined in Section 46-4-102.

1395 (9) "In the presence of the notary" means that an individual:

1396 (a) is physically present with the notary in close enough proximity to see and hear the notary; or

1398 (b) communicates with a remote notary by means of an electronic device or process that:

1399 (i) allows the individual and remote notary to communicate with one another simultaneously by sight and sound; and

1401 (ii) complies with rules made under Section 46-1-3.7.

1402 (10) "Jurat" means a notarial act in which a notary certifies:

1403 (a) the identity of a signer who:

1404 (i) is personally known to the notary; or

1405 (ii) provides the notary satisfactory evidence of the signer's identity;

1406 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document; and

1408 (c) that the signer voluntarily signs the document in the presence of the notary.

1409 (11) "Notarial act" or "notarization" means an act that a notary is authorized to perform under Section 46-1-6.

1411 (12) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:

1412 (a) a part of or attached to a notarized document; and

1413 (b) completed by the notary and bears the notary's signature and official seal.

1414 (13)

(a) "Notary" means an individual commissioned to perform notarial acts under this chapter.

1416 (b) "Notary" includes a remote notary.

1417 (14) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person made a vow or affirmation in the presence of the notary on penalty of perjury.

1419 (15) "Official misconduct" means a notary's performance of any act prohibited or failure to perform any act mandated by this chapter or by any other law in connection with a notarial act.

1422 (16)

(a) "Official seal" means the seal described in Section 46-1-16 that a notary may attach to a notarial certificate to complete a notarization.

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- 1424 (b) "Official seal" includes an electronic seal.
- 1425 (17) "Personally known" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to eliminate every reasonable doubt that the individual has the identity claimed.
- 1428 (18) "Remote notarization" means a notarial act performed by a remote notary in accordance with this chapter for an individual who is not in the physical presence of the remote notary at the time the remote notary performs the notarial act.
- 1431 (19) "Remote notary" means a notary that holds an active remote notary certification under Section 46-1-3.5.
- 1433 (20)
- (a) "Satisfactory evidence of identity" means:
- 1434 (i) for both an in-person and remote notarization, identification of an individual based on:
- 1436 (A) subject to Subsection (20)(b), valid personal identification with the individual's photograph, signature, and physical description that the United States government, any state within the United States, or a foreign government issues;
- 1440 (B) subject to Subsection (20)(b), a valid passport that any nation issues; or
- 1441 (C) the oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual; and
- 1443 (ii) for a remote notarization only, a third party's affirmation of an individual's identity in accordance with rules made under Section 46-1-3.7 by means of:
- 1445 (A) dynamic knowledge-based authentication, which may include requiring the individual to answer questions about the individual's personal information obtained from public or proprietary data sources; or
- 1448 (B) analysis of the individual's biometric data, which may include facial recognition, voiceprint analysis, or fingerprint analysis.
- 1450 (b) "Satisfactory evidence of identity," for a remote notarization, requires the identification described in Subsection (20)(a)(i)(A) or passport described in Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in accordance with rules made under Section 46-1-3.7.
- 1454 (c) "Satisfactory evidence of identity" does not include[:]
- 1455 [(i) a driving privilege card under Subsection 53-3-207(12); or]
- 1456 [(ii) another] a document that is not considered valid for identification.

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- 1457 (21) "Signature witnessing" means a notarial act in which an individual:
1458 (a) appears in the presence of the notary and presents a document;
1459 (b) provides the notary satisfactory evidence of the individual's identity, or is personally known to the
notary; and
1461 (c) signs the document in the presence of the notary.
- 1350 Section 8. Section **53-3-102** is amended to read:
1351 **53-3-102. Definitions.**
As used in this chapter:
- 1465 (1) "Autocycle" means a motor vehicle that:
1466 (a) is designed to travel with three or fewer wheels in contact with the ground; and
1467 (b) is equipped with:
1468 (i) a steering mechanism;
1469 (ii) seat belts; and
1470 (iii) seating that does not require the operator to straddle or sit astride the motor vehicle.
- 1472 (2) "Cancellation" means the termination by the division of a license issued through error or fraud or for
which consent under Section 53-3-211 has been withdrawn.
- 1474 (3) "Class D license" means the class of license issued to drive motor vehicles not defined as
commercial motor vehicles or motorcycles under this chapter.
- 1476 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:
1477 (a) issued under Section 53-3-408; or
1478 (b) issued by a state or other jurisdiction of domicile in compliance with the standards contained in 49
C.F.R. Part 383.
- 1480 (5) "Commercial driver license" or "CDL" means a license:
1481 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the
Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform
Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor
vehicle; and
1485 (b) that was obtained by providing evidence of lawful presence in the United States with one of the
document requirements described in Subsection 53-3-410(1)(i)(i).
- 1487 (6)
(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:

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- 1489 (i) applies to a person who holds or is required to hold a commercial driver instruction permit or a
CDL license; and
- 1491 (ii) contains the following:
- 1492 (A) information contained in the driver history, including convictions, pleas held in abeyance,
disqualifications, and other licensing actions for violations of any state or local law relating to motor
vehicle traffic control, committed in any type of vehicle;
- 1496 (B) driver self-certification status information under Section 53-3-410.1; and
- 1497 (C) information from medical certification record keeping in accordance with 49 C.F.R. Sec. 383.73(o).
- 1499 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a motor vehicle
record described in Subsection [~~(32)~~] (31).
- 1501 (7)
- (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or
used to transport passengers or property if the motor vehicle:
- 1503 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, or gross
combination weight rating or gross combination weight of 26,001 or more pounds or a lesser
rating as determined by federal regulation;
- 1506 (ii) is designed to transport 16 or more passengers, including the driver; or
- 1507 (iii) is transporting hazardous materials and is required to be placarded in accordance with 49
C.F.R. Part 172, Subpart F.
- 1509 (b) The following vehicles are not considered a commercial motor vehicle for purposes of Part 4,
Uniform Commercial Driver License Act:
- 1511 (i) equipment owned and operated by the United States Department of Defense when driven by any
active duty military personnel and members of the reserves and national guard on active duty
including personnel on full-time national guard duty, personnel on part-time training, and national
guard military technicians and civilians who are required to wear military uniforms and are subject
to the code of military justice;
- 1517 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or
farm supplies to or from a farm within 150 miles of his farm but not in operation as a motor carrier
for hire;
- 1520 (iii) firefighting and emergency vehicles;
- 1521

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(iv) recreational vehicles that are not used in commerce and are driven solely as family or personal conveyances for recreational purposes; and

1523 (v) vehicles used to provide transportation network services, as defined in Section 13-51-102.

1525 (8) "Conviction" means any of the following:

1526 (a) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

1529 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

1531 (c) a plea of guilty or nolo contendere accepted by the court;

1532 (d) the payment of a fine or court costs; or

1533 (e) violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

1535 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security, do not apply.

1538 (10) "Director" means the division director appointed under Section 53-3-103.

1539 (11) "Disqualification" means either:

1540 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of a person's privileges to drive a commercial motor vehicle;

1542 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386, that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part 391; or

1545 (c) the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. Part 383.51.

1547 (12) "Division" means the Driver License Division of the department created in Section 53-3-103.

1549 (13) "Downgrade" means to obtain a lower license class than what was originally issued during an existing license cycle.

1551 (14) "Drive" means:

1552 (a) to operate or be in physical control of a motor vehicle upon a highway; and

1553 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within the state.

1556 (15)

(a) "Driver" means an individual who drives, or is in actual physical control of a motor vehicle in any location open to the general public for purposes of vehicular traffic.

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- 1559 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person who is required to
1562 hold a CDL under Part 4, Uniform Commercial Driver License Act, or federal law.
- 1562 ~~[(16) "Driving privilege card" means the evidence of the privilege granted and issued under this chapter
to drive a motor vehicle to a person whose privilege was obtained without providing evidence of
lawful presence in the United States.]~~
- 1565 ~~[(17)]~~ (16) "Electronic license certificate" means the evidence, in an electronic format as described in
Section 53-3-235, of a privilege granted under this chapter to drive a motor vehicle.
- 1568 ~~[(18)]~~ (17) "Extension" means a renewal completed in a manner specified by the division.
- 1569 ~~[(19)]~~ (18) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement
for drawing plows, mowing machines, and other implements of husbandry.
- 1571 ~~[(20)]~~ (19) "Highway" means the entire width between property lines of every way or place of any
nature when any part of it is open to the use of the public, as a matter of right, for traffic.
- 1574 ~~[(21)]~~ (20) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 1575 ~~[(22)]~~ (21) "Identification card" means a card issued under Part 8, Identification Card Act, to a person
for identification purposes.
- 1577 ~~[(23)]~~ (22) "Indigent" means that a person's income falls below the federal poverty guideline issued
annually by the United States Department of Health and Human Services in the Federal Register.
- 1580 ~~[(24)]~~ (23) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 1581 ~~[(25)]~~ (24) "Interdicted person identifier" means language and other security features on a license
certificate or identification card indicating that the person is an interdicted person, which features
include:
- 1584 (a) the language "No Alcohol Sale"; and
- 1585 (b) other security features identifying the individual as being restricted from purchasing alcohol,
including a prominent red stripe on the front of the license or identification card.
- 1588 ~~[(26)]~~ (25) "License" means the privilege to drive a motor vehicle.
- 1589 ~~[(27)]~~ (26)
- (a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor
vehicle.
- 1591 (b) "License certificate" evidence includes:
- 1592 (i) a regular license certificate;
- 1593 (ii) a limited-term license certificate;

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- 1594 [~~(iii)~~] a driving privilege card;]
- 1595 [~~(iv)~~] (iii) a CDL license certificate;
- 1596 [~~(v)~~] (iv) a limited-term CDL license certificate;
- 1597 [~~(vi)~~] (v) a temporary regular license certificate;
- 1598 [~~(vii)~~] (vi) a temporary limited-term license certificate; and
- 1599 [~~(viii)~~] (vii) an electronic license certificate created in Section 53-3-235.
- 1600 [~~(28)~~] (27) "Limited-term commercial driver license" or "limited-term CDL" means a license:
- 1602 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570,
the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform
Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor
vehicle; and
- 1606 (b) that was obtained by providing evidence of lawful presence in the United States with one of the
document requirements described in Subsection 53-3-410(1)(i)(ii).
- 1608 [~~(29)~~] (28) "Limited-term identification card" means an identification card issued under this chapter to a
person whose card was obtained by providing evidence of lawful presence in the United States with
one of the document requirements described in Subsection 53-3-804(2)(i)(ii).
- 1612 [~~(30)~~] (29) "Limited-term license certificate" means the evidence of the privilege granted and issued
under this chapter to drive a motor vehicle to a person whose privilege was obtained providing
evidence of lawful presence in the United States with one of the document requirements described
in Subsection 53-3-205(8)(a)(ii)(B).
- 1616 [~~(31)~~] (30) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 1617 [~~(32)~~] (31) "Motor vehicle record" or "MVR" means a driving record under Subsection 53-3-109(7)(a).
- 1619 [~~(33)~~] (32) "Motorboat" means the same as that term is defined in Section 73-18-2.
- 1620 [~~(34)~~] (33) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the
use of the rider and designed to travel with not more than three wheels in contact with the ground.
- 1623 [~~(35)~~] (34) "Office of Recovery Services" means the Office of Recovery Services, created in Section
26B-9-103.
- 1625 [~~(36)~~] (35) "Operate" means the same as that term is defined in Section 41-1a-102.
- 1626 [~~(37)~~] (36)
(a) "Owner" means a person other than a lien holder having an interest in the property or title to a
vehicle.

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- 1628 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a security
interest in another person but excludes a lessee under a lease not intended as security.
- 1631 ~~[(38)]~~ (37) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge, or other
financial penalty imposed on an individual by a court or other government entity.
- 1634 ~~[(39)]~~ (38)
- (a) "Private passenger carrier" means any motor vehicle for hire that is:
- 1635 (i) designed to transport 15 or fewer passengers, including the driver; and
- 1636 (ii) operated to transport an employee of the person that hires the motor vehicle.
- 1637 (b) "Private passenger carrier" does not include:
- 1638 (i) a taxicab;
- 1639 (ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;
- 1641 (iii) a motor vehicle driven for transportation network services as defined in Section 13-51-102; and
- 1643 (iv) a motor vehicle driven for a transportation network company as defined in Section 13-51-102 and
registered with the Division of Consumer Protection as described in Section 13-51-104.
- 1646 ~~[(40)]~~ (39) "Regular identification card" means an identification card issued under this chapter to a
person whose card was obtained by providing evidence of lawful presence in the United States with
one of the document requirements described in Subsection 53-3-804(2)(i)(i).
- 1650 ~~[(41)]~~ (40) "Regular license certificate" means the evidence of the privilege issued under this chapter to
drive a motor vehicle whose privilege was obtained by providing evidence of lawful presence in the
United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).
- 1654 ~~[(42)]~~ (41) "Renewal" means to validate a license certificate so that it expires at a later date.
- 1655 ~~[(43)]~~ (42) "Reportable violation" means an offense required to be reported to the division as
determined by the division and includes those offenses against which points are assessed under
Section 53-3-221.
- 1658 ~~[(44)]~~ (43)
- (a) "Resident" means an individual who:
- 1659 (i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of
domicile, remains in this state for an aggregate period of six months or more during any
calendar year;
- 1662 (ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other
than seasonal work in this state, and who does not commute into the state;

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- 1665 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver license certificate
or motor vehicle registration; or
- 1667 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended to
nonresidents, including going to school, or placing children in school without paying
nonresident tuition or fees.
- 1670 (b) "Resident" does not include any of the following:
- 1671 (i) a member of the military, temporarily stationed in this state;
- 1672 (ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the
student engages in any type of employment in this state;
- 1674 (iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned
by or representing an employer, religious or private organization, or a governmental entity; or
- 1677 (iv) an immediate family member who resides with or a household member of a person listed in
Subsections ~~[(44)(b)(i)]~~ (43)(b)(i) through (iii).
- 1679 ~~[(45)]~~ (44) "Revocation" means the termination by action of the division of a licensee's privilege to
drive a motor vehicle.
- 1681 ~~[(46)]~~ (45)
- (a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or
secondary school students to and from home and school, or to and from school sponsored events.
- 1684 (b) "School bus" does not include a bus used as a common carrier as defined in Section 59-12-102.
- 1686 ~~[(47)]~~ (46) "Suspension" means the temporary withdrawal by action of the division of a licensee's
privilege to drive a motor vehicle.
- 1688 ~~[(48)]~~ (47) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire
and that is subject to state or federal regulation as a taxi.
- 1578 Section 9. Section 53-3-105 is amended to read:
- 1579 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and
identification cards.**
- Except as provided in Subsection ~~[(39)]~~ (37), the following fees apply under this chapter:
- 1694 (1) An original class D license application under Section 53-3-205 is \$52.
- 1695 (2) An original provisional license application for a class D license under Section 53-3-205 is \$39.
- 1697 (3) An original limited term license application under Section 53-3-205 is \$32.
- 1698 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.

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- 1699 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.
- 1700 (6) A learner permit application under Section 53-3-210.5 is \$19.
- 1701 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12) applies.
- 1703 (8) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$52.
- 1705 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.
- 1706 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.
- 1707 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.
- 1708 (12) A renewal of a class D license for an individual 65 years old and older under Section 53-3-214 is \$27.
- 1710 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17) applies.
- 1712 (14) An extension of a provisional license application for a class D license under Section 53-3-214 is \$42.
- 1714 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.
- 1715 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.
- 1716 (17) An extension of a class D license for an individual 65 years old and older under Section 53-3-214 is \$22.
- 1718 (18) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is \$52.
- 1721 (19) A commercial class A, B, or C license skills test is \$78.
- 1722 (20) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$9.
- 1724 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is \$9.
- 1726 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is \$9.
- 1728 (23)
- (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
- 1729 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 1730 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 1731 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 1732 (26)

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- (a) A license reinstatement application under Section 53-3-205 is \$40.
- 1733 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of
alcohol and any drug-related offense is \$45 in addition to the fee under Subsection (26)(a).
- 1736 (27)
- (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol
and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug,
or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver
License Act, is \$255.
- 1740 (b) This administrative fee is in addition to the fees under Subsection (26).
- 1741 (28)
- (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or
53-3-420 is \$8.
- 1743 (b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county,
state, or federal agency.
- 1745 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 1746 (30)
- (a) Except as provided under Subsections (30)(b) and (c), an identification card application under
Section 53-3-808 is \$23.
- 1748 (b) An identification card application under Section 53-3-808 for a person with a disability, as defined
in 42 U.S.C. Sec. 12102, is \$17.
- 1750 (c) A fee may not be charged for an identification card application if the individual applying:
- 1752 (i)
- (A) has not been issued a Utah driver license;
- 1753 (B) is indigent; and
- 1754 (C) is at least 18 years old;
- 1755 (ii) submits written verification that the individual is homeless, as defined in Section 26B-3-207, a
person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as
defined in 42 U.S.C. Sec. 11434a(2), from:
- 1758 (A) a homeless shelter, as defined in Section 35A-16-305;
- 1759 (B) a permanent housing, permanent, supportive, or transitional facility, as defined in Section
35A-5-302;

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- 1761 (C) the Department of Workforce Services; or
1762 (D) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec.
11432(g)(1)(J)(ii); or
1764 (iii) is under 26 years old and submits written verification that the individual:
1765 (A) is in the custody of the Division of Child and Family Services; or
1766 (B) was in the custody of the Division of Child and Family Services but is no longer in the custody of
the Division of Child and Family Services due to the individual's age.
1769 (31)
(a) An extension of a regular identification card under Subsection 53-3-807(4) for a person with a
disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
1771 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written verification that
the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined
in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2),
from:
1775 (i) a homeless shelter, as defined in Section 35A-16-305;
1776 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section
35A-5-302;
1778 (iii) the Department of Workforce Services;
1779 (iv) a homeless service provider as verified by the Department of Workforce Services as described in
Section 26B-8-113; or
1781 (v) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec.
11432(g)(1)(J)(ii).
1783 (32)
(a) An extension of a regular identification card under Subsection 53-3-807(5) is \$23.
1785 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written verification that
the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined
in Section 35A-5-302, from:
1788 (i) a homeless shelter, as defined in Section 35A-16-305;
1789 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section
35A-5-302;
1791 (iii) the Department of Workforce Services; or

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- 1792 (iv) a homeless service provider as verified by the Department of Workforce Services as described in
Section 26B-8-113.
- 1794 (33) In addition to any license application fees collected under this chapter, the division shall impose
on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the
Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal
Identification provides under Section 53-3-205.5.
- 1798 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.
- 1799 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.
- 1800 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.
- 1801 ~~[(37) An original driving privilege card application under Section 53-3-207 is \$32.]~~
- 1802 ~~[(38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.]~~
- 1803 ~~[(39)]~~ (37) A fee may not be charged for an original class D license application, original provisional
license application for a class D license, or a learner permit application if the individual applying is:
- 1806 (a) under the 26 years old; and
- 1807 (b) submits written verification that the individual:
- 1808 (i) is in the custody of the Division of Child and Family Services; or
- 1809 (ii) was in the custody of the Division of Child and Family Services but is no longer in the custody of
the Division of Child and Family Services due to the individual's age.
- 1812 ~~[(40)]~~ (38) An administrative fee to add an interdicted person identifier to a license certificate under
Section 53-3-236 or identification card under Section 53-3-805 is \$7.
- 1702 Section 10. Section **53-3-106** is amended to read:
- 1703 **53-3-106. Disposition of revenues under this chapter -- Restricted account created -- Uses as
provided by appropriation -- Nonlapsing.**
- 1817 (1) There is created within the Transportation Fund a restricted account known as the "Department of
Public Safety Restricted Account."
- 1819 (2) The account consists of money generated from the following revenue sources:
- 1820 (a) all money received under this chapter;
- 1821 (b) administrative fees received according to the fee schedule authorized under this chapter and Section
63J-1-504;
- 1823 (c) beginning on January 1, 2013, money received in accordance with Section 41-1a-1201; and
- 1825 (d) any appropriations made to the account by the Legislature.

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- 1826 (3)
- (a) The account shall earn interest.
- 1827 (b) All interest earned on account money shall be deposited into the account.
- 1828 (4) The expenses of the department in carrying out this chapter shall be provided for by legislative appropriation from this account.
- 1830 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(27) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117, except that of the amount in excess of \$45, \$100 shall be deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.
- 1835 (6) All money received under Subsection 41-6a-1406(7)(b)(ii) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117.
- 1838 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000 annually from the account to the state medical examiner appointed under Section 26B-8-202 for use in carrying out duties related to highway crash deaths under Subsection 26B-8-205(1).
- 1842 ~~[(8) The division shall remit the fees collected under Subsection 53-3-105(31) to the Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.]~~
- 1845 ~~[(9)]~~ (8)
- (a) Beginning on January 1, 2013, the Legislature shall appropriate all money received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for field operations.
- 1848 (b) The Legislature may appropriate additional money from the account to the Utah Highway Patrol Division for law enforcement purposes.
- 1850 ~~[(10)]~~ (9) Appropriations to the department from the account are nonlapsing.
- 1851 ~~[(11)]~~ (10) The department shall report to the Department of Health and Human Services, on or before December 31, the amount the department expects to collect under Subsection 53-3-105(27) in the next fiscal year.
- 1742 Section 11. Section **53-3-204** is amended to read:
- 1743 **53-3-204. Persons who may not be licensed.**
- 1856 (1)
- (a) The division may not license a person who:
- 1857 (i) is younger than 16 years old;

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- 1858 (ii) if the person is 18 years old or younger, has not completed a course in driver training approved
by the commissioner;
- 1860 (iii) if the person is 19 years old or older has not completed:
- 1861 (A) a course in driver training approved by the commissioner; or
- 1862 (B) the requirements under Subsection 53-3-210.5(6)(c);
- 1863 (iv) if the person is a minor as defined in Section 53-3-211, has not completed the driving
requirement under Section 53-3-211;
- 1865 (v) is not a resident of the state, unless the person:
- 1866 (A) is issued a temporary CDL under Subsection 53-3-407(2)(b) prior to July 1, 2015; or
- 1868 (B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;
- 1869 (vi) if the person is 17 years old or younger, has not held a learner permit issued under Section
53-3-210.5 or an equivalent by another state or branch of the United States Armed Forces for
six months; or
- 1872 (vii) is younger than 18 years old and applying for a CDL under 49 C.F.R. Part 383.
- 1873 (b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:
- 1874 (i) who has been licensed before July 1, 1967; or
- 1875 (ii) who is 16 years old or older making application for a license who has been licensed in another state
or country.
- 1877 (2) The division may not issue a license certificate to a person:
- 1878 (a) whose license has been suspended, denied, cancelled, or disqualified during the period of
suspension, denial, cancellation, or disqualification;
- 1880 (b) whose privilege has been revoked, except as provided in Section 53-3-225;
- 1881 (c) who has previously been adjudged mentally incompetent and who has not at the time of application
been restored to competency as provided by law;
- 1883 (d) who is required by this chapter to take an examination unless the person successfully passes the
examination;
- 1885 (e) whose driving privileges have been denied or suspended under:
- 1886 (i) Section 80-6-707 by an order of the juvenile court; or
- 1887 (ii) Section 53-3-231; or
- 1888 (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card issued under
Part 8, Identification Card Act, unless:

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- 1890 (i) the Utah identification card is canceled; and
- 1891 (ii) if the Utah identification card is in the person's possession, the Utah identification card is
surrendered to the division.
- 1893 (3)
- (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle endorsement to a
person who:
- 1895 (i) has not been granted an original or provisional class D license, a CDL, or an out-of-state
equivalent to an original or provisional class D license or a CDL; and
- 1897 (ii) if the person is under 19 years old, has not held a motorcycle learner permit for two months
unless Subsection (3)(b) applies.
- 1899 (b) The division may waive the two month motorcycle learner permit holding period requirement
under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division that the person
has completed a motorcycle rider education program that meets the requirements under Section
53-3-903.
- 1903 (c) The division may grant a motorcycle endorsement to a person under 19 years old who has not held a
motorcycle learner permit for two months if the person was issued a motorcycle endorsement prior
to July 1, 2008.
- 1906 (4) The division may grant a class D license to a person whose commercial license is disqualified under
Part 4, Uniform Commercial Driver License Act, if the person is not otherwise sanctioned under this
chapter.
- 1909 (5)
- (a) The division may not grant a driving privilege card on or after May 6, 2026.
- 1910 (b) A driving privilege card that is issued on or before May 5, 2026, is valid until the expiration date of
the driving privilege card.
- 1800 Section 12. Section **53-3-205** is amended to read:
- 1801 **53-3-205. Application for license or endorsement -- Fee required -- Tests -- Expiration dates
of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving
record transferred from other states -- Reinstatement -- Fee required -- License agreement.**
- 1917 (1) An application for an original license, provisional license, or endorsement shall be:
- 1918 (a) made upon a form furnished by the division; and
- 1919 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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- 1920 (2) An application and fee for an original provisional class D license or an original class D license
entitle the applicant to:
- 1922 (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license
within six months after the date of the application;
- 1924 (b) a learner permit if needed pending completion of the application and testing process; and
- 1926 (c) an original class D license and license certificate after all tests are passed and requirements are
completed.
- 1928 (3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:
- 1929 (a) not more than three attempts to pass both the knowledge and skills tests within six months after the
date of the application;
- 1931 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- 1932 (c) a motorcycle or taxicab endorsement when all tests are passed.
- 1933 (4) An application for a commercial class A, B, or C license entitles the applicant to:
- 1934 (a) not more than two attempts to pass a knowledge test when accompanied by the fee provided in
Subsection 53-3-105(18);
- 1936 (b) not more than two attempts to pass a skills test when accompanied by a fee in Subsection
53-3-105(19) within six months after the date of application;
- 1938 (c) both a commercial driver instruction permit and a temporary license permit for the license class held
before the applicant submits the application if needed after the knowledge test is passed; and
- 1941 (d) an original commercial class A, B, or C license and license certificate when all applicable tests are
passed.
- 1943 (5) An application and fee for a CDL endorsement entitle the applicant to:
- 1944 (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills
test within six months after the date of the application; and
- 1946 (b) a CDL endorsement when all tests are passed.
- 1947 (6)
- (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the
number of attempts provided in Subsection (4) or (5), each test may be taken two additional times
within the six months for the fee provided in Section 53-3-105.
- 1951 (b)

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- (i) An out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if the out-of-state resident pays the fee provided in Subsection 53-3-105(19).
- 1955 (ii) The division shall:
- 1956 (A) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the out-of-state resident has obtained a valid CDIP; and
- 1959 (B) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.
- 1961 (7)
- (a)
- (i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class D license expires on the birth date of the applicant in the eighth year after the year the license certificate was issued.
- 1964 (ii) An original provisional class D license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.
- 1966 (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on the birth date of the applicant in the fifth year the license certificate was issued.
- 1968 (b) Except as provided under [~~Subsections (7)(f) and (g)~~] Subsection (7)(f), a renewal or an extension to a license expires on the birth date of the licensee in the eighth year after the expiration date of the license certificate renewed or extended.
- 1971 (c) Except as provided under [~~Subsections (7)(f) and (g)~~] Subsection (7)(f), a duplicate license expires on the same date as the last license certificate issued.
- 1973 (d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.
- 1975 (e)
- (i) A regular license certificate and an endorsement to the regular license certificate held by an individual described in Subsection (7)(e)(ii), that expires during the time period the individual is stationed outside of the state, is valid until 90 days after the individual's orders are terminated, the individual is discharged, or the individual's assignment is changed or terminated, unless:
- 1980 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division;
- or

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- 1982 (B) the licensee updates the information or photograph on the license certificate.
- 1983 (ii) The provisions in Subsection (7)(e)(i) apply to an individual:
- 1984 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;
- 1986 (B) who is an immediate family member or dependent of an individual described in Subsection (7)(e)
(ii)(A) and is residing outside of Utah;
- 1988 (C) who is a civilian employee of the United States State Department or United States Department of
Defense and is stationed outside of the United States; or
- 1990 (D) who is an immediate family member or dependent of an individual described in Subsection (7)(e)
(ii)(C) and is residing outside of the United States.
- 1992 (f)
- (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a
limited-term license certificate expires:
- 1994 (A) on the expiration date of the period of time of the individual's authorized stay in the United
States or on the date provided under this Subsection (7), whichever is sooner; or
- 1997 (B) on the date of issuance in the first year following the year that the limited-term license
certificate was issued if there is no definite end to the individual's period of authorized stay.
- 2000 (ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an
approved asylee or a refugee expires on the birth date of the applicant in the fifth year following the
year that the limited-term license certificate was issued.
- 2004 [~~(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the birth date of the
applicant in the first year following the year that the driving privilege card was issued or renewed.]~~
- 2007 (8)
- (a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for
requests for agency action, an applicant shall:
- 2009 (i) provide:
- 2010 (A) the applicant's full legal name;
- 2011 (B) the applicant's birth date;
- 2012 (C) the applicant's sex;
- 2013 (D)
- (I) documentary evidence of the applicant's valid social security number;
- 2014 (II) written proof that the applicant is ineligible to receive a social security number; or

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2016 ~~[(III) the applicant's temporary identification number (ITIN) issued by the Internal Revenue Service for~~
 ~~an individual who:]~~

2018 ~~[(Aa) does not qualify for a social security number; and]~~

2019 ~~[(Bb) is applying for a driving privilege card; or]~~

2020 ~~[(IV)] (III) other documentary evidence approved by the division; and~~

2021 (E) the applicant's Utah residence address as documented by a form or forms acceptable under rules
 made by the division under Section 53-3-104, unless the application is for a temporary CDL issued
 under Subsection 53-3-407(2)(b); ~~[(f)]~~ and]

2025 ~~[(F) fingerprints, or a fingerprint confirmation form described in Subsection 53-3-205.5(1)(a)(ii), and a~~
 ~~photograph in accordance with Section 53-3-205.5 if the applicant is applying for a driving privilege~~
 ~~card;]~~

2028 (ii) provide evidence of the applicant's lawful presence in the United States by providing
 documentary evidence:

2030 (A) that the applicant is:

2031 (I) a United States citizen;

2032 (II) a United States national; or

2033 (III) a legal permanent resident alien; or

2034 (B) of the applicant's:

2035 (I) unexpired immigrant or nonimmigrant visa status for admission into the United States;

2037 (II) pending or approved application for asylum in the United States;

2038 (III) admission into the United States as a refugee;

2039 (IV) pending or approved application for temporary protected status in the United States;

2041 (V) approved deferred action status;

2042 (VI) pending application for adjustment of status to legal permanent resident or conditional resident; or

2044 (VII) conditional permanent resident alien status;

2045 (iii) provide a description of the applicant;

2046 (iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so,
 when and by what state or country;

2048 (v) state whether the applicant has ever had a license suspended, cancelled, revoked, disqualified, or
 denied in the last 10 years, or whether the applicant has ever had a license application refused,

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and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;

- 2052 (vi) state whether the applicant intends to make an anatomical gift under Title 26B, Chapter 8, Part
3, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 2055 (vii) state whether the applicant is required to register as a sex offender, kidnap offender, or
child abuse offender, in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse
Offender Registry;
- 2058 (viii) state whether the applicant is a veteran of the United States military, provide verification
that the applicant was granted an honorable or general discharge from the United States Armed
Forces, and state whether the applicant does or does not authorize sharing the information with
the Department of Veterans and Military Affairs;
- 2063 (ix) provide all other information the division requires; and
- 2064 (x) sign the application which signature may include an electronic signature as defined in Section
46-4-102.
- 2066 (b) Unless the applicant provides acceptable verification of homelessness as described in rules made
by the division, an applicant shall have a Utah residence address, unless the application is for a
temporary CDL issued under Subsection 53-3-407(2)(b).
- 2069 (c) An applicant shall provide evidence of lawful presence in the United States in accordance with
Subsection (8)(a)(ii)[, unless the application is for a driving privilege card].
- 2072 (d) The division shall maintain on the division's computerized records an applicant's:
- 2073 (i)
- (A) social security number;
- 2074 (B) temporary identification number (ITIN); or
- 2075 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 2077 (ii) indication whether the applicant is required to register as a sex offender, kidnap offender, or child
abuse offender in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender
Registry.
- 2080 (9) The division shall require proof of an applicant's name, birth date, and birthplace by at least one of
the following means:
- 2082 (a) current license certificate;
- 2083 (b) birth certificate;

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- 2084 (c) Selective Service registration; or
2085 (d) other proof, including church records, family Bible notations, school records, or other evidence
considered acceptable by the division.
- 2087 (10)
(a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than
what the applicant originally was issued:
2089 (i) the license application is treated as an original application; and
2090 (ii) license and endorsement fees is assessed under Section 53-3-105.
- 2091 (b) An applicant that receives a downgraded license in a lower license class during an existing license
cycle that has not expired:
2093 (i) may be issued a duplicate license with a lower license classification for the remainder of the existing
license cycle; and
2095 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a duplicate license is
issued under Subsection (10)(b)(i).
- 2097 (c) An applicant who has received a downgraded license in a lower license class under Subsection (10)
(b):
2099 (i) may, when eligible, receive a duplicate license in the highest class previously issued during a license
cycle that has not expired for the remainder of the existing license cycle; and
2102 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a duplicate license is
issued under Subsection (10)(c)(i).
- 2104 (11)
(a) When an application is received from an applicant previously licensed in another state to drive a
motor vehicle, the division shall request a copy of the driver's record from the other state.
- 2107 (b) When received, the driver's record becomes part of the driver's record in this state with the same
effect as though entered originally on the driver's record in this state.
- 2109 (12) An application for reinstatement of a license after the suspension, cancellation, disqualification,
denial, or revocation of a previous license is accompanied by the additional fee or fees specified in
Section 53-3-105.
- 2112 (13) An individual who has an appointment with the division for testing and fails to keep the
appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under
Section 53-3-105.

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- 2115 (14) An applicant who applies for an original license or renewal of a license agrees that the individual's
license is subject to a suspension or revocation authorized under this title or Title 41, Motor
Vehicles.
- 2118 (15)
- (a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi) in accordance with
division rule.
- 2120 (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 applicants who, under Subsection (8)(a)(vi), indicate that
they intend to make an anatomical gift.
- 2125 (ii) An organ procurement organization may use released information only to:
- 2126 (A) obtain additional information for an anatomical gift registry; and
- 2127 (B) inform licensees of anatomical gift options, procedures, and benefits.
- 2128 (16) 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 applicants who indicate their status as a veteran under Subsection (8)(a)(viii).
- 2132 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the
division shall, upon request, release to the Sex, Kidnap, and Child Abuse Offender Registry office
in the Department of Public Safety, the names and addresses of all applicants who, under Subsection
(8)(a)(vii), indicate they are required to register as a sex offender, kidnap offender, or child abuse
offender in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.
- 2138 (18) The division and its employees are not liable, as a result of false or inaccurate information
provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:
- 2140 (a) loss;
- 2141 (b) detriment; or
- 2142 (c) injury.
- 2143 (19) An applicant who knowingly fails to provide the information required under Subsection (8)(a)(vii)
is guilty of a class A misdemeanor.
- 2145 (20) A person may not hold both an unexpired Utah license certificate and an unexpired identification
card.

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- 2147 (21)
- (a) An applicant who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the applicant:
- 2150 (i) is a resident of the state of Utah;
- 2151 (ii)
- (A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or
- 2153 (B) is an immediate family member or dependent of an individual described in Subsection (21)(a)(ii)(A) and is residing outside of Utah;
- 2155 (iii) has a digitized driver license photo on file with the division;
- 2156 (iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and
- 2158 (v) provides the necessary information and documentary evidence required under Subsection (8).
- 2160 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
- 2162 (i) establishing the procedures for an individual to obtain a motorcycle endorsement under this Subsection (21); and
- 2164 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).
- 2054 Section 13. Section **53-3-206** is amended to read:
- 2055 **53-3-206. Examination of applicant's physical and mental fitness to drive a motor vehicle.**
- 2169 (1) The division shall examine every applicant for a license, including a test of the applicant's:
- 2171 (a) eyesight either:
- 2172 (i) by the division; or
- 2173 (ii) by allowing the applicant to furnish to the division a statement from a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician assistant licensed under Title 58, Chapter [70A] (70)(a), Utah Physician Assistant Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 2178 (b) ability to read and understand highway signs regulating, warning, and directing traffic;
- 2180 (c) ability to read and understand simple English used in highway traffic and directional signs;

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- 2182 (d) knowledge of the state traffic laws;
- 2183 (e) other physical and mental abilities the division finds necessary to determine the applicant's fitness to
drive a motor vehicle safely on the highways; and
- 2185 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as determined by actual
demonstration or other indicator.
- 2187 (2)
- (a) Subject to Subsection (2)(d), and notwithstanding the provisions of Subsection (1) or any other
provision of law, the division shall allow an individual to take an examination of the individual's
knowledge of the state traffic laws in the individual's preferred language:
- 2191 (i) if the individual is a refugee, an approved asylee, or a covered humanitarian parolee:
- 2193 (A) the first time the individual applies for a limited-term license certificate; and
- 2194 (B) the first time the individual applies for a renewal of a limited-term license certificate; and
- 2196 (ii) for any other individual applying for a class D license certificate:
- 2197 (A) the first time the individual applies for a class D license certificate; and
- 2198 (B) the first time the individual applies for a renewal of a class D license certificate.
- 2200 (b)
- (i) Upon the second renewal of a refugee's, an approved asylee's, or a covered humanitarian parolee's
limited-term license certificate for a refugee, an approved asylee, or a covered humanitarian parolee
that has taken the knowledge exam in the individual's preferred language under Subsection (2)(a),
the division shall re-examine the individual's knowledge of the state traffic laws in English.
- 2205 (ii) Upon the second renewal of an individual's class D license certificate of an individual who has
taken the knowledge exam in the individual's preferred language under Subsection (2)(a)(ii), the
division shall re-examine the individual's knowledge of the state traffic laws in English.
- 2209 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall
make rules establishing the procedures and requirements for the examination of the individual's
knowledge of the state traffic laws in the individual's preferred language.
- 2213 (d)
- (i) Beginning on July 1, 2023, for a class D license certificate{ } , except for a driving privilege card
issued under Section 53-3-207{ } , the division shall administer the written knowledge examination
in as many languages as reasonably possible given budgetary and other constraints.
- 2217

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- 2220 (ii) If the division is unable to administer the written knowledge examination in a particular language, an individual may take an examination with the assistance of a translator approved by the division.
- 2222 (iii) If an individual takes the examination with the assistance of a translator, the individual is responsible for the costs of the translator.
- 2224 (e) In order to provide the services described in Subsection (2)(d)(i), the division may contract with a private vendor to provide the translation services or technology.
- 2224 (3)
- (a) For an applicant for an original or a renewal of a class D license, other than { } a driving privilege card or { } a limited term license certificate, the division shall provide the examination of an individual's knowledge of the state traffic laws in five commonly spoken languages in the state, other than English, as determined under Subsection (3)(c).
- 2229 (b) An applicant for an original or a renewal of a class D license, other than { } a driving privilege card or { } a limited term license certificate, may request to take the examination of the individual's knowledge of the state traffic laws in a language other than English, if the requested language is one of five commonly spoken languages in the state as determined under Subsection (3)(c).
- 2234 (c)
- (i) The Division of Multicultural Affairs created in Section 9-21-201 shall recommend five commonly spoken languages in the state, other than English, for examination of an individual's knowledge of the state traffic laws.
- 2237 (ii) The division shall offer the examination of an individual's knowledge of the state traffic laws in the five commonly spoken languages, other than English, recommended by the Division of Multicultural Affairs created in Section 9-21-201.
- 2128 (2) The division may offer the examination of the individual's knowledge of the state traffic laws only in English.
- 2240 (4) (3) The division shall determine whether any facts exist that would bar granting a license under Section 53-3-204.
- 2242 (5) (4) The division shall examine each applicant according to the class of license applied for for which the applicant has applied.
- 2243 (6) (5) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform Commercial Driver License Act, of this chapter.
- 2245

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~~[(7) The division shall provide a report to the Transportation Interim Committee on or before October 1, 2023, regarding the written knowledge examination in languages other than English, including:]~~

2248 ~~[(a) costs associated with the program;]~~

2249 ~~[(b) the number of languages provided;]~~

2250 ~~[(c) the likelihood of adding additional languages in the future; and]~~

2251 ~~[(d) other information the division finds relevant.]]~~

2143 Section 14. Section 53-3-207 is amended to read:

2144 **53-3-207. License certificates issued to drivers by class of motor vehicle -- Contents --**
Release of anatomical gift information -- Temporary licenses -- Minors' licenses, cards, and
permits -- Violation.

2256 (1) As used in this section:

2257 (a) "Authorized guardian" means:

2258 (i) the parent or legal guardian of a child who:

2259 (A) is under 18 years old; and

2260 (B) has an invisible condition; or

2261 (ii) the legal guardian or conservator of an adult who:

2262 (A) is 18 years old or older; and

2263 (B) has an invisible condition.

2264 (b) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.

2266 (c) "First responder" means:

2267 (i) a law enforcement officer, as defined in Section 53-13-103;

2268 (ii) an emergency medical technician, as defined in Section 53-2e-101;

2269 (iii) an advanced emergency medical technician, as defined in Section 53-2e-101;

2270 (iv) a paramedic, as defined in Section 53-2e-101;

2271 (v) a firefighter, as defined in Section 53H-11-306; or

2272 (vi) a dispatcher, as defined in Section 53-6-102.

2273 (d) "Governmental entity" means the state or a political subdivision of the state.

2274 (e) "Health care professional" means:

2275 (i) a licensed physician, physician assistant, nurse practitioner, or mental health therapist; or

2277 (ii) any other licensed health care professional the division designates by rule made in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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- 2279 (f) "Invisible condition" means a physical or mental condition that may interfere with an individual's
ability to communicate with a first responder, including:
- 2281 (i) a communication impediment;
- 2282 (ii) hearing loss;
- 2283 (iii) blindness or a visual impairment;
- 2284 (iv) autism spectrum disorder;
- 2285 (v) a drug allergy;
- 2286 (vi) Alzheimer's disease or dementia;
- 2287 (vii) post-traumatic stress disorder;
- 2288 (viii) traumatic brain injury;
- 2289 (ix) schizophrenia;
- 2290 (x) epilepsy;
- 2291 (xi) a developmental disability;
- 2292 (xii) Down syndrome;
- 2293 (xiii) diabetes;
- 2294 (xiv) a heart condition; or
- 2295 (xv) any other condition approved by the department.
- 2296 (g) "Invisible condition identification symbol" means a symbol or alphanumeric code that indicates that
an individual is an individual with an invisible condition.
- 2298 (h) "Political subdivision" means any county, city, town, school district, public transit district,
community reinvestment agency, special improvement or taxing district, special district, special
service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
Interlocal Cooperation Act, or other governmental subdivision or public corporation.
- 2303 (i) "State" means this state, and includes any office, department, agency, authority, commission, board,
institution, hospital, college, university, children's justice center, or other instrumentality of the
state.
- 2306 (2)
- (a) The division shall issue to every individual privileged to drive a motor vehicle, a regular license
certificate, or a limited-term license certificate~~[, or a driving privilege card]~~ indicating the type or
class of motor vehicle the individual may drive.
- 2309 (b) An individual may not drive a class of motor vehicle unless granted the privilege in that class.

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- 2311 (3)
- (a) Every regular license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~]
shall bear:
- 2313 (i) the distinguishing number assigned to the individual by the division;
- 2314 (ii) the name, birth date, and Utah residence address of the individual;
- 2315 (iii) a brief description of the individual for the purpose of identification;
- 2316 (iv) any restrictions imposed on the license under Section 53-3-208;
- 2317 (v) a photograph of the individual;
- 2318 (vi) a photograph or other facsimile of the individual's signature;
- 2319 (vii) an indication whether the individual intends to make an anatomical gift under Title 26B,
Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, unless the driving privilege is
extended under Subsection 53-3-214(3); and
- 2322 (viii) except as provided in Subsection (3)(b), if the individual states that the individual is a veteran
of the United States military on the application for a driver license in accordance with Section
53-3-205 and provides verification that the individual was granted 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 license certificate or limited-term license certificate issued
on or after July 1, 2011.
- 2329 (b) A regular license certificate or limited-term license certificate issued to an individual younger than
21 years old on a portrait-style format as required in Subsection (7)(b) is not required to include an
indication that the individual is a United States military veteran under Subsection (3)(a)(viii).
- 2333 (c) A new license certificate issued by the division may not bear the individual's social security number.
- 2335 (d)
- (i) The regular license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~] shall
be of an impervious material, resistant to wear, damage, and alteration.
- 2338 (ii) The size, form, and color of the regular license certificate[;] or limited-term license certificate[, ~~or
driving privilege card~~] shall be as prescribed by the commissioner.
- 2341 (iii) The commissioner may also prescribe the issuance of a special type of limited regular license
certificate[;] or limited-term license certificate[, ~~or driving privilege card~~] under Subsection
53-3-220(4).
- 2344 (4)

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- (a) The division shall include or affix an invisible condition identification symbol on an individual's regular license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~] if the individual or the individual's authorized guardian, on a form prescribed by the department:
- 2348 (i) requests the division to include the invisible condition identification symbol;
- 2349 (ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and
- 2351 (iii) signs a waiver of liability for the release of any medical information to:
- 2352 (A) the department;
- 2353 (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;
- 2356 (C) any other person who may view or receive notice of the individual's medical information by seeing the individual's regular license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~] or the individual's information in the Utah Criminal Justice Information System;
- 2360 (D) a local law enforcement agency that receives a copy of the form described in this Subsection (4) (a) and enters the contents of the form into the local law enforcement agency's record management system or computer-aided dispatch system; and
- 2364 (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.
- 2367 (b) As part of the form described in Subsection (4)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the 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 Subsections (4)(a)(iii)(A) through (E), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.
- 2373 (c) The division may not:
- 2374 (i) charge a fee to include the invisible condition identification symbol on the individual's regular license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~]; or
- 2377 (ii) after including the invisible condition identification symbol on the individual's previously issued regular license certificate[;] or limited-term license certificate, [~~or driving privilege card~~,] require the individual to provide subsequent written verification described in Subsection (4)(a)(ii) to include

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the invisible condition identification symbol on the individual's renewed or extended regular license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~].

- 2383 (d) The division shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (4)(a)(ii) holds a current state license.
- 2385 (e) The inclusion of an invisible condition identification symbol on an individual's license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~] in accordance with Subsection (4) (a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.
- 2390 (f) For each individual issued a regular license certificate[;] or limited-term license certificate[, ~~or driving privilege 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.
- 2396 (g) Except as provided in this section, the division may not release the information described in Subsection (4)(f).
- 2398 (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:
- 2400 (i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (4)(f); and
- 2403 (ii) provide the individual's updated record to the Utah Criminal Justice Information System.
- 2405 (5) As provided in Section 63G-2-302, the information described in Subsection (4)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
- 2408 (6)
- (a)
- (i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.
- 2412 (ii)
- (A) The division shall issue a temporary regular license certificate or temporary limited-term license certificate allowing the individual to drive a motor vehicle while the division is completing the

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division's investigation to determine whether the individual is entitled to be granted a driving privilege.

2416 (B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection (6) shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate.

2420 (b) The temporary regular license certificate or temporary limited-term license certificate shall be in the individual's immediate possession while driving a motor vehicle, and the temporary regular license certificate or temporary limited-term license certificate is invalid when the individual's regular license certificate or limited-term license certificate has been issued or when, for good cause, the privilege has been refused.

2426 (c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which the temporary regular license certificate or temporary limited-term license certificate is not valid as a temporary license.

2430 ~~[(d)~~

~~(i) Except as provided in Subsection (6)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.]~~

2433 ~~[(ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card.]~~

2435 (7)

(a) The division shall distinguish learner permits, temporary permits, regular license certificates, and limited-term license certificates~~[, and driving privilege cards]~~ issued to any individual younger than 21 years old by use of plainly printed information or the use of a color or other means not used for other regular license certificates, or limited-term license certificates~~[, or driving privilege cards]~~.

2440 (b) The division shall distinguish a regular license certificate~~[, or~~ or limited-term license certificate~~[, or driving privilege card]~~ issued to an individual younger than 21 years old by use of a portrait-style format not used for other regular license certificates~~[, or~~ or limited-term license certificates~~[, or driving privilege cards]~~ and by plainly printing the date the regular license certificate~~[, or~~ or limited-term license certificate~~[, or driving privilege card]~~ holder is 21 years old.

2446 (8) The division shall distinguish a limited-term license certificate by clearly indicating on the document:

2448 (a) that the limited-term license certificate is temporary; and

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- 2449 (b) the limited-term license certificate's expiration date.
- 2450 [(9)
- (a) ~~The division shall only issue a driving privilege card to an individual whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).]~~
- 2453 [(b) The division shall distinguish a driving privilege card from a license certificate by:]
- 2454 [(i) use of a format, color, font, or other means; and]
- 2455 [(ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".]
- 2458 [(10)] (9) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.
- 2461 [(11)] (10) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.
- 2464 [(12)
- (a) ~~A governmental entity may not accept a driving privilege card as proof of personal identification.]~~
- 2466 [(b) A driving privilege card may not be used as a document providing proof of an individual's age for any government required purpose.]
- 2468 [(13)] (11) An individual who violates Subsection (2)(b) is guilty of an infraction.
- 2469 [(14)] (12) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a[:]
- 2471 [(a) driving privilege in the same way as a license or limited-term license issued under this chapter; and]
- 2473 [(b)] limited-term license certificate [~~or driving privilege card~~] in the same way as a regular license certificate issued under this chapter.
- 2366 Section 15. Section **53-3-214** is amended to read:
- 2367 **53-3-214. Renewal -- Fees required -- Extension without examination.**
- 2478 (1)
- (a) The holder of a valid license may renew the holder's license and any endorsement to the license by applying:
- 2480 (i) at any time within six months before the license expires; or

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- 2481 (ii) more than six months prior to the expiration date if the applicant furnishes proof that the
applicant will be absent from the state during the six-month period prior to the expiration of the
license.
- 2484 (b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied
by a fee under Section 53-3-105.
- 2486 (2)
- (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular
license certificate, provisional license, and any endorsement to a regular license certificate, the
division shall reexamine each applicant as if for an original license and endorsement to the license,
if applicable.
- 2490 (b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license
certificate, limited-term provisional license certificate, and any endorsement to a limited-term
license certificate, the division shall:
- 2493 (i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the
limited-term license certificate, if applicable; and
- 2495 (ii) verify through valid documentary evidence that the status by which the individual originally
qualified for the limited-term license certificate has been extended by the United States Citizenship
and Immigration Services or other authorized agency of the United States Department of Homeland
Security.
- 2499 (c) The division may waive any or all portions of the test designed to demonstrate the applicant's ability
to exercise ordinary and reasonable control driving a motor vehicle.
- 2501 (3)
- (a)
- (i) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a regular
license certificate or any endorsement to the regular license certificate for eight years without
examination for licensees whose driving records for the eight years immediately preceding the
determination of eligibility for extension show:
- 2506 (A) no suspensions;
- 2507 (B) no revocations;
- 2508 (C) no conviction for reckless driving under Section 41-6a-528; and
- 2509 (D) no more than six reportable violations in the preceding eight years.

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- 2510 (ii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a
provisional license and any endorsement to a provisional license for eight years without
examination for licensees whose driving records for the five years immediately preceding the
determination of eligibility for extension show:
- 2514 (A) no suspensions;
2515 (B) no revocations;
2516 (C) no conviction for reckless driving under Section 41-6a-528; and
2517 (D) no more than four reportable violations in the preceding five years.
- 2518 (iii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a
limited term license and any endorsement to a limited term license for five years without
examination for licensees whose driving records for the five years immediately preceding the
determination of eligibility for extension show:
- 2522 (A) no suspensions;
2523 (B) no revocations;
2524 (C) no conviction for reckless driving under Section 41-6a-528; and
2525 (D) no more than four reportable violations in the preceding five years.
- 2526 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new
regular license certificate and any endorsement to a regular license certificate may not be issued
until the person has again passed the tests under Section 53-3-206 and paid the required fee.
- 2530 (c) After the expiration of a limited-term license certificate, a new limited-term license certificate and
any endorsement to a limited-term license certificate may not be issued until the person has:
- 2533 (i) again passed the tests under Section 53-3-206 and paid the required fee; and
2534 (ii) presented documentary evidence that the status by which the individual originally qualified for the
limited-term license certificate has been extended by the United States Citizenship and Immigration
Services or other authorized agency of the United States Department of Homeland Security.
- 2538 (d) A person 65 years [~~of age~~] old or older shall take and pass the eye examination specified in Section
53-3-206.
- 2540 (e) An extension may not be granted to any person:
2541 (i) who is identified by the division as having a medical impairment that may represent a hazard to
public safety;
2543

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(ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act;
or

2545 (iii) who is holding a limited-term license certificate[; ~~or~~] .

2546 [~~(iv) who is holding a driving privilege card issued in accordance with Section 53-3-207.~~]

2548 (f) The division shall allow extensions:

2549 (i) by mail, electronic means, or other means as determined by the division at the appropriate extension
fee rate under Section 53-3-105;

2551 (ii) only if the applicant qualifies under this section; and

2552 (iii) for only one extension.

2553 (g) The division may waive any or all portions of the test designed to demonstrate the applicant's ability
to exercise ordinary and reasonable control driving a motor vehicle.

2555 (4) In accordance with this section, the division shall coordinate with the Department of Corrections in
providing an inmate with access to a driver license certificate as described in Section 64-13-10.6.

2449 Section 16. Section 53-3-221 is amended to read:

2450 **53-3-221. Offenses that may result in denial, suspension, disqualification, or revocation of
license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and
hearing -- Reporting of traffic violation procedures.**

2563 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division
may deny, suspend, disqualify, or revoke the license or permit of any individual without receiving
a record of the individual's conviction of crime when the division has been notified or has reason to
believe the individual:

2567 (a) has committed any offenses for which mandatory suspension or revocation of a license is required
upon conviction under Section 53-3-220;

2569 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident
resulting in death or injury to any other individual, or serious property damage;

2572 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability
rendering it unsafe for the individual to drive a motor vehicle or mobility vehicle upon the
highways;

2575 (d) has committed a serious violation of the motor vehicle laws of this state;

2576 (e) has knowingly committed a violation of Section 53-3-229; or

2577

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(f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other individuals on the highways.

2580 (2)

(a)

(i) Except as provided in Subsection 53-3-218(3), and subject to Subsection (2)(a)(ii), the division may suspend a license of an individual under Subsection (1):

2582 (A) when the individual has failed to comply with the terms stated on a traffic citation issued in this state; or

2584 (B) if the division receives a notification from a court as described in Subsection 41-6a-509(11) (d) or 41-6a-517(13)(b).

2586 (ii) This Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials.

2588 (b)

(i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 30 days previously to the individual at the address provided to the division.

2591 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.

2594 (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny, suspend, or disqualify an individual's driver license based solely on:

2596 (a) the individual's failure to appear;

2597 (b) the individual's failure to pay an outstanding penalty accounts receivable; or

2598 (c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a) or (b).

2600 (4)

(a) The division shall make rules establishing a point system as provided for in this Subsection (4).

2602 (b)

(i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.

2604

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(ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.

2606 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against an individual's driving record for a conviction of a traffic violation:

2608 (A) that occurred in another state; and

2609 (B) that was committed on or after July 1, 2011.

2610 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

2611 (A) a reckless or impaired driving violation or a speeding violation for exceeding the posted speed limit by 21 or more miles per hour; or

2613 (B) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.

2616 (c) Every individual convicted of a traffic violation shall have assessed against the individual's driving record the number of points that the division has assigned to the type of violation of which the individual has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.

2623 (d)

(i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.

2625 (ii) The severity of a speeding violation shall be graded as:

2626 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

2627 (B) "intermediate" for exceeding the posted speed limit by 11 to 20 miles per hour; and

2629 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

2630 (iii) Consideration shall be made for assessment of no points on minimum speeding violations, except for speeding violations in school zones.

2632 (e)

(i) Points assessed against an individual's driving record shall be deleted for violations occurring before a time limit set by the division.

2634 (ii) The time limit may not exceed three years.

2635

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(iii) The division may also delete points to reward violation-free driving for periods of time set by the division.

2637 (f)

(i) By publication in two newspapers having general circulation throughout the state, the division shall give notice of the number of points it has assigned to each type of traffic violation, the time limit set by the division for the deletion of points, and the point level at which the division will generally take action to deny or suspend under this section.

2642 (ii) The division may not change any of the information provided above regarding points without first giving new notice in the same manner.

2644 (5)

(a)

(i) If the division finds that the license of an individual should be denied, suspended, disqualified, or revoked under this section, the division shall immediately notify the licensee in a manner specified by the division and afford the individual an opportunity for a hearing in the county where the licensee resides.

2649 (ii) The hearing shall be documented, and the division or its authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.

2653 (iii) One or more members of the division may conduct the hearing, and any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.

2656 (iv) After the hearing the division shall either rescind or affirm its decision to deny, suspend, disqualify, or revoke the license.

2658 (b) The denial, suspension, disqualification, or revocation of the license remains in effect pending qualifications determined by the division regarding an individual:

2660 (i) whose license has been denied or suspended following reexamination;

2661 (ii) who is incompetent to drive a motor vehicle;

2662 (iii) who is afflicted with mental or physical infirmities that might make the individual dangerous on the highways; or

2664 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

2666 (6)

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- (a) Subject to Subsection (6)(d), the division shall suspend an individual's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the individual's license.
- 2669 (b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension.
- 2672 (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.
- 2674 (d)
- (i) If the division suspends an individual's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the individual if that individual needs a driver license for employment, education, or child visitation.
- 2678 (ii) The temporary limited driver license described in this section:
- 2679 (A) shall provide that the individual may operate a motor vehicle only for the purpose of driving to or from the individual's place of employment, education, or child visitation;
- 2682 (B) shall prohibit the individual from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and
- 2684 (C) shall expire 90 days after the day on which the temporary limited driver license is issued.
- 2686 (iii)
- (A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the individual who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.
- 2691 (B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):
- 2693 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and
- 2696 (II) an individual suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.
- 2698 (iv) The division is not required to issue a limited driver license to an individual under this Subsection (6)(d) if there are other legal grounds for the suspension of the individual's driver license.
- 2701 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.

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- 2703 (7)
- (a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that individual in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.
- 2707 (b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the individual convicted is a resident.
- 2711 (8)
- (a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.
- 2714 (b) Any nonresident who drives a motor vehicle upon a highway when the individual's license has been suspended or revoked by the division is guilty of a class C misdemeanor.
- 2717 (9)
- (a) The division may not deny or suspend the license of any individual for a period of more than one year except:
- 2719 (i) for failure to comply with the terms of a traffic citation under Subsection (2);
- 2720 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;
- 2722 (iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);
- 2724 (iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;
- 2726 (v) when the division suspends the license under Subsection (6); or
- 2727 (vi) when the division denies the license under Subsection (14).
- 2728 (b) The division may suspend the license of an individual under Subsection (2) until the individual shows satisfactory evidence of compliance with the terms of the traffic citation.
- 2731 (10)
- (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any individual without receiving a record of the individual's conviction for a crime when the division has reason to believe that the individual's license was granted by the

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division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

2736 (b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the
division shall either rescind its order of suspension or cancel the license.

2739 (11)

(a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require the licensee to submit to an examination.

2743 (b) Upon the conclusion of the examination the division may suspend or revoke the individual's license, permit the individual to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.

2746 (c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.

2748 (12)

(a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.

2753 (b) The provisions of Subsection (12)(a) do not apply for:

2754 (i) a CDIP or CDL license holder; or

2755 (ii) a violation that occurred in a commercial motor vehicle.

2756 (13)

(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of an individual if it has reason to believe that the individual is the owner of a motor vehicle for which security is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.

2762 [~~(b) The division may suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that:~~]

2764 [~~(i) the driving privilege card holder is the registered owner of a vehicle; and]~~]

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- 2765 ~~[(ii) the driving privilege card holder's vehicle registration has been revoked under Subsection~~
41-1a-110(2)(a)(ii)(A).]
- 2767 [(e)] (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies
to individuals whose driving privileges are suspended under this Subsection (13).
- 2770 (14) The division may deny an individual's license if the individual fails to comply with the requirement
to downgrade the individual's CDL to a class D license under Section 53-3-409 or 53-3-410.1.
- 2773 (15) The division may deny an individual's class A, B, C, or D license if the individual fails to comply
with the requirement to have a K restriction removed from the individual's license.
- 2776 (16) Any suspension or revocation of an individual's license under this section also disqualifies any
license issued to that individual under Part 4, Uniform Commercial Driver License Act.
- 2670 Section 17. Section **53-3-236** is amended to read:
- 2671 **53-3-236. Interdicted person identifier -- License notation.**
- 2781 (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:
- 2784 (a)
- (i) may accept an application from the individual for a duplicate license that includes an interdicted
person identifier; and
- 2786 (ii) if the individual submits an application and qualifies for a license certificate, may provide a license
certificate with the interdicted person identifier; or
- 2788 (b)
- (i) may accept an application from the individual for a renewal of a license or an original license with
an interdicted person identifier; and
- 2790 (ii) if the individual submits an application and qualifies for a license certificate, may provide a license
certificate with an interdicted person identifier.
- 2792 (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.
- 2795 (3)
- (a) An individual may voluntarily apply for a duplicate license, original license, or renewal of a license
that includes an interdicted person identifier.
- 2797 (b) An individual that 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

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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.

- 2802 (4) An individual may not hold a license certificate with an interdicted person identifier while also holding another license certificate.
- 2804 (5) The division may charge an administrative fee as described in Subsection [53-3-105(40)] 53-3-105(38) to an individual to process and provide a license certificate with an interdicted person identifier.
- 2807 (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.

2701 Section 18. Section **53-5a-602** is amended to read:

2702 **53-5a-602. Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement officers.**

2814 (1)
[(a)] To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.

2817 [(b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (1).]

2820 (2)
(a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.

2822 (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.

2824 (3)
(a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.

2826 (b) The form shall contain the following information:

2827 (i) the dealer identification number;

2828 (ii) the name and address of the individual receiving the firearm;

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(iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm;
and

2831 (iv) the social security number or any other identification number of the individual receiving the
firearm.

2833 (4)

(a) The dealer shall send the information required by Subsection (3) to the bureau immediately upon its
receipt by the dealer.

2835 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau
with the information in Subsection (3) and has received approval from the bureau under Subsection
(6).

2838 (5) The dealer shall make a request for criminal history background information by telephone or other
electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or
other electronic means.

2841 (6) When the dealer calls for or requests a criminal history background check, the bureau shall:

2843 (a) review the criminal history files, including juvenile court records, and the temporary restricted
file created under Section 53-5a-504, to determine if the individual is prohibited from purchasing,
possessing, or transferring a firearm by state or federal law;

2847 (b) inform the dealer that:

2848 (i) the records indicate the individual is prohibited; or

2849 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

2850 (c) provide the dealer with a unique transaction number for that inquiry; and

2851 (d) provide a response to the requesting dealer during the call for a criminal background check, or by
return call, or other electronic means, without delay, except in case of electronic failure or other
circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for
the delay and give the dealer an estimate of the length of the delay.

2856 (7)

(a) The bureau may not maintain any records of the criminal history background check longer than
20 days from the date of the dealer's request, if the bureau determines that the individual receiving
the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or
federal law.

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(b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.

2863 (8)

(a) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall:

2866 (i) within 24 hours after determining that the purchaser is prohibited from purchasing, possessing, or transferring a firearm, notify the law enforcement agency in the jurisdiction where the dealer is located; and

2869 (ii) inform the law enforcement agency in the jurisdiction where the individual resides.

2871 (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a firearm solely due to placement on the temporary restricted list under Section 53-5a-504.

2874 (c) A law enforcement agency that receives information from the bureau under Subsection (8)(a) shall provide a report before August 1 of each year to the bureau that includes:

2877 (i) based on the information the bureau provides to the law enforcement agency under Subsection (8) (a), the number of cases that involve an individual who is prohibited from purchasing, possessing, or transferring a firearm as a result of a conviction for an offense involving domestic violence; and

2881 (ii) of the cases described in Subsection (8)(c)(i):

2882 (A) the number of cases the law enforcement agency investigates; and

2883 (B) the number of cases the law enforcement agency investigates that result in a criminal charge.

2885 (d) The bureau shall:

2886 (i) compile the information from the reports described in Subsection (8)(c);

2887 (ii) omit or redact any identifying information in the compilation; and

2888 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

2890 (9) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.

2893 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the

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bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

- 2898 (11)
- (a) A dealer shall collect a criminal history background check fee for the sale of a firearm under this section.
- 2900 (b) The fee described under Subsection (11)(a) remains in effect until changed by the bureau through the process described in Section 63J-1-504.
- 2902 (c)
- (i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.
- 2905 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program.
- 2908 (12)
- (a) An individual with a concealed firearm permit issued under Section 53-5a-303 or a provisional concealed firearm permit issued under Section 53-5a-304 is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:
- 2912 (i) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and
- 2914 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.
- 2916 (b) An individual with a temporary permit to carry a concealed firearm issued under Section 53-5a-305 is not exempt from a background check and the corresponding fee required in this section for the purchase of a firearm.
- 2919 (13)
- (a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification.
- 2924 (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.
- 2926 (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm shall:

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- 2928 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to a customer free
of charge; and
- 2930 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under Subsection
26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun, short barreled rifle, rifle,
or another firearm that federal law does not require be accompanied by a gun lock at the time of
purchase.
- 2825 Section 19. Section **53-10-202** is amended to read:
- 2826 **53-10-202. Criminal identification -- Duties of bureau.**
- The bureau shall:
- 2937 (1) procure and file information relating to identification and activities of persons who:
- 2938 (a) are fugitives from justice;
- 2939 (b) are wanted or missing;
- 2940 (c) have been arrested for or convicted of a crime under the laws of any state or nation; and
- 2942 (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
- 2943 (2) establish a statewide uniform crime reporting system that shall include:
- 2944 (a) statistics concerning general categories of criminal activities;
- 2945 (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry,
national origin, ethnicity, or other categories that the division finds appropriate;
- 2948 (c) statistics concerning the use of force by law enforcement officers in accordance with the Federal
Bureau of Investigation's standards; and
- 2950 (d) other statistics required by the Federal Bureau of Investigation;
- 2951 (3) make a complete and systematic record and index of the information obtained under this part;
- 2953 (4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data
obtained under this part;
- 2955 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;
- 2957 (6) establish a statewide central register for the identification and location of missing persons, which
may include:
- 2959 (a) identifying data including fingerprints of each missing person;
- 2960 (b) identifying data of any missing person who is reported as missing to a law enforcement agency
having jurisdiction;
- 2962 (c) dates and circumstances of any persons requesting or receiving information from the register; and

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- 2964 (d) any other information, including blood types and photographs found necessary in furthering the
purposes of this part;
- 2966 (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be
instrumental in the identification and location of missing persons;
- 2968 (8) list the name of every missing person with the appropriate nationally maintained missing persons
lists;
- 2970 (9) establish and operate a 24-hour communication network for reports of missing persons and reports
of sightings of missing persons;
- 2972 (10) coordinate with the National Center for Missing and Exploited Children and other agencies to
facilitate the identification and location of missing persons and the identification of unidentified
persons and bodies;
- 2975 (11) receive information regarding missing persons as provided in Sections 26B-8-130 and 53G-6-602,
and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401;
- 2978 (12) adopt systems of identification, including the fingerprint system, to be used by the division to
facilitate law enforcement;
- 2980 (13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in
Section 53-5a-105;
- 2982 (14) check certain criminal records databases for information regarding motor vehicle salesperson
applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the
Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for
motor vehicle salespersons in accordance with the requirements of Section 41-3-205.5;
- 2987 ~~[(15) check certain criminal records databases for information regarding driving privilege card
applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants
and cardholders and inform the federal Immigration and Customs Enforcement Agency of the
United States Department of Homeland Security when new entries are made in accordance with the
requirements of Section 53-3-205.5;]~~
- 2992 ~~[(16)]~~ (15) review and approve or disapprove applications for license renewal that meet the
requirements for renewal; and
- 2994 ~~[(17)]~~ (16) forward to the board those applications for renewal under Subsection ~~[(16)]~~ (15) that do not
meet the requirements for renewal.
- 2887 Section 20. Section **58-37c-10** is amended to read:

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- 2888 **58-37c-10. Reporting and recordkeeping.**
- 2998 (1) Any person who engages in a regulated transaction, unless excepted under the provisions of Subsections 58-37c-8(3) and (4), shall submit a report with respect to such transaction and shall maintain records of inventories in accordance with rules adopted by the division.
- 3002 (2) The division shall provide reporting forms upon which regulated transactions shall be reported.
- 3004 (3) The division shall furnish copies of reports of transactions under this section to appropriate law enforcement agencies.
- 3006 (4) The division shall adopt rules regulating:
- 3007 (a) records which shall be maintained and reports which shall be submitted by regulated distributors and regulated purchasers with respect to listed controlled substance precursors obtained, distributed, and held in inventory;
- 3010 (b) records which shall be maintained and reports which shall be submitted by regulated distributors and regulated purchasers with respect to extraordinary or unusual regulated transactions and a requirement that in such cases the report must be received at least three working days prior to transfer of the listed controlled substance precursor;
- 3015 (c) identification which must be presented by a purchaser of any listed controlled substance precursor before the sale or transfer can be completed and recordkeeping requirements related to such identification presented;
- 3018 (d) filing by each licensee the identification of all locations where any listed controlled substance precursor is held in inventory or stored and amending such filing when any change in location is made;
- 3021 (e) reports and actions which must be taken by a regulated distributor or regulated purchaser in the event of any theft, loss, or shortage of a listed controlled substance precursor;
- 3024 (f) reports and actions which must be taken by a regulated distributor relating to a regulated transaction with an out-of-state purchaser;
- 3026 (g) reports and actions which must be taken by a regulated purchaser relating to a regulated transaction with an out-of-state distributor; and
- 3028 (h) regulated transactions to the extent such regulation is reasonable and necessary to protect the public health, safety, or welfare.
- 3030 ~~[(5) A person who engages in a regulated transaction may not accept a driving privilege card issued in accordance with Section 53-3-207 as proof of identification as required under Subsection (4)(c).]~~

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- 2924 Section 21. Section **63G-12-205** is amended to read:
- 2925 **63G-12-205. Eligibility criteria to obtain and maintain a guest worker permit.**
- 3036 (1) To be eligible to obtain or maintain a guest worker permit, an undocumented individual shall:
- 3038 (a)
- 3039 (i) be 18 years [~~of age~~] old or older; or
- 3040 (ii) if younger than 18 years [~~of age~~] old, have the permission of a parent or guardian;
- 3041 (b) live in Utah;
- 3042 (c) have worked or lived in Utah before May 10, 2011;
- 3042 (d) provide relevant contact information and regularly update the relevant contact information in a
- 3045 manner required by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act;
- 3045 (e) provide documentation of a contract for hire under which the undocumented individual begins to
- 3048 provide services within at least 30 days of the day on which the undocumented individual obtains
- 3048 the permit;
- 3048 (f)
- 3049 (i) agree to a criminal background check described in Subsection (3); and
- 3049 (ii) not have been convicted of, pled guilty to, pled no contest to, pled guilty in a similar manner to, or
- 3051 resolved by diversion or its equivalent to a serious felony;
- 3051 (g) provide evidence satisfactory to the department that the person would not be inadmissible for public
- 3053 health grounds under 8 U.S.C. Sec. 1182;
- 3053 (h)
- 3054 (i) be covered by a basic health insurance plan; or
- 3054 (ii) provide evidence satisfactory to the department that the undocumented individual has no medical
- 3057 debt that is past due and agrees to have no medical debt that is past due during the term of the
- 3057 permit; and
- 3057 (i)
- 3058 [~~(i) hold a driving privilege card issued in accordance with Section 53-3-207; or~~]
- 3058 [(ii)] provide evidence satisfactory to the department that the undocumented individual will not drive a
- 3060 motor vehicle in the state.
- 3060 (2) The department may by rule made in accordance with Chapter 3, Utah Administrative Rulemaking
- Act, provide for the documentation required to establish eligibility under Subsection (1). When

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making a rule under this section, the department shall use federal standards as a guideline to avoid unnecessary duplication and additional costs.

3064 (3)

(a) The department shall require an undocumented individual applying for a guest worker permit, or renewing a guest worker permit, to submit to a criminal background check as a condition of receiving or renewing the guest worker permit.

3067 (b) An undocumented individual required to submit to a criminal background check under Subsection (3)(a), shall:

3069 (i) submit a fingerprint card in a form acceptable to the department; and

3070 (ii) consent to a fingerprint background check by:

3071 (A) the Utah Bureau of Criminal Identification; and

3072 (B) the Federal Bureau of Investigation, including the secure communities program when possible.

3074 (c) For an undocumented individual who submits a fingerprint card and consents to a fingerprint background check under Subsection (3)(b), the department may request:

3076 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

3079 (ii) complete Federal Bureau of Investigation criminal background checks through the national criminal history system and secure communities program.

3081 (d) Information obtained by the department from the review of criminal history records received under this Subsection (3) shall be used by the department to determine eligibility to obtain a permit.

3084 (e) The department shall:

3085 (i) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau of Investigation in providing the department criminal background information under this Subsection (3); and

3088 (ii) in accordance with Section 63J-1-504, charge the undocumented individual applying for the permit a fee equal to the aggregate of the costs incurred by the department under this Subsection (3) and the amount paid under Subsection (3)(e)(i).

2983 Section 22. Section **63G-12-401** is amended to read:

2984 **63G-12-401. Creation of identity documents -- Issuance to citizens, nationals, and legal
3095 permanent resident aliens -- Exceptions.**

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- (1) The following entities may create, publish, or otherwise manufacture an identification document, identification card, or identification certificate and possess an engraved plate or other device for the printing of an identification document:
- 3098 (a) a federal, state, or local government agency for employee identification, which is designed to
identify the bearer as an employee;
- 3100 (b) a federal, state, or local government agency for purposes authorized or required by law or a
legitimate purpose consistent with the duties of the agency, including such documents as voter
identification cards, identification cards, passports, birth certificates, and Social Security cards; and
- 3104 (c) a public school or state or private educational institution to identify the bearer as an administrator,
faculty member, student, or employee.
- 3106 (2) The name of the issuing entity shall be clearly printed upon the face of the identification document.
- 3108 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity providing an
identity document, card, or certificate under Subsection (1)(b) or (c) shall issue the document, card,
or certificate only to:
- 3111 (a) a United States citizen;
- 3112 (b) a national; or
- 3113 (c) a legal permanent resident alien.
- 3114 (4)
- (a) Subsection (3) does not apply to an applicant for an identification document who presents, in person,
valid documentary evidence of the applicant's:
- 3116 (i) unexpired immigrant or nonimmigrant visa status for admission into the United States;
- 3118 (ii) pending or approved application for asylum in the United States;
- 3119 (iii) admission into the United States as a refugee;
- 3120 (iv) pending or approved application for temporary protected status in the United States;
- 3122 (v) approved deferred action status; or
- 3123 (vi) pending application for adjustment of status to legal permanent resident or conditional resident.
- 3125 (b)
- (i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c) identification
document to an applicant who satisfies the requirements of Subsection (4)(a).
- 3128 (ii) Except as otherwise provided by federal law, the document is valid only:
- 3129 (A) during the period of time of the individual's authorized stay in the United States; or

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- 3131 (B) for one year from the date of issuance if there is no definite end to the individual's period of
authorized stay.
- 3133 (iii) An entity issuing an identification document under this Subsection (4) shall clearly indicate on the
document:
- 3135 (A) that it is temporary; and
- 3136 (B) its expiration date.
- 3137 (c) An individual may renew a document issued under this Subsection (4) only upon presentation of
valid documentary evidence that the status by which the individual originally qualified for the
identification document has been extended by the United States Citizenship and Immigration
Services or other authorized agency of the United States Department of Homeland Security.
- 3142 (5)
- 3143 (a) Subsection (3) does not apply to an identification document issued under Subsection (1)(c) that:
- 3144 (i) is only valid for use on the educational institution's campus or facility; and
- 3145 (ii) includes a statement of the restricted use conspicuously printed upon the face of the
identification document.
- 3147 (b) Subsection (3) does not apply to a license certificate~~[-driving privilege card,]~~ or identification card
issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.
- 3150 (c) Subsection (3) does not apply to a public transit pass issued by a public transit district as defined in
Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:
- 3152 (i) is only valid for use on the public transit system; and
- 3153 (ii) includes a statement of the restricted use conspicuously printed on the face of the public transit pass.
- 3155 (d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.
- 3156 (e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot Sponsored Resident
Immigrant Program Act.
- 3158 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.
- 3051 Section 23. Section **76-9-1117** is amended to read:
- 3052 **76-9-1117. Unlawful transfer of proof of age.**
- 3162 (1)
- 3163 (a) As used in this section^[:] ,
- 3164 [(i)] ^[(i)] "Proof" "proof of age" means:
- 3164 [(A)] (i) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;

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3166 [(B)] (ii) a valid identification that:
3167 [(H)] (A) is substantially similar to an identification card issued under Title 53, Chapter 3, Part 8,
Identification Card Act;
3169 [(H)] (B) is issued in accordance with the laws of a state other than Utah in which the identification is
issued;
3171 [(H)] (C) includes date of birth; and
3172 [(H)] (D) has a picture affixed;
3173 [(E)] (iii) a valid driver license certificate that is issued under Title 53, Chapter 3, Uniform Driver
License Act, or in accordance with the laws of the state in which the valid driver license is issued;
3176 [(D)] (iv) a valid United States military identification card that:
3177 [(H)] (A) includes date of birth; and
3178 [(H)] (B) has a picture affixed; or
3179 [(E)] (v) a valid passport.
3180 [(ii) "Proof of age" does not include a driving privilege card issued in accordance with Section
53-3-207.]
3182 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
3183 (2) Except as provided in Subsection (4), an actor commits unlawful transfer of proof of age if the
actor intentionally or knowingly transfers the actor's proof of age to another individual to aid that
individual in:
3186 (a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product; or
3188 (b) gaining admittance to any part of the premises of a retail tobacco specialty business.
3189 (3) A violation of Subsection (2) is a class B misdemeanor.
3190 (4) Subsection (2) does not apply to an individual who uses a false identification in accordance with
Subsection 77-39-101(4) at the request of a peace officer.
3083 Section 24. **Repealer.**
This Bill Repeals:
3084 This bill repeals:
3085 Section 53-3-205.5, **Fingerprint and photograph submission requirements for driving**
3086 **privilege card applicants and cardholders -- Approved private fingerprint vendor requests --**
3087 **Division approval of a vendor.**
3088 Section 25. **Effective date.**

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Effective Date.

3198 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2027.

3199 (2) The actions affecting {~~the following sections~~} ~~Section 53-3-204 (Effective 05/06/26)~~ take effect on
May 6, 2026{~~:~~}.

3200 {(a) {~~Section 41-6a-404 (Effective 05/06/26); and~~} }

3201 {(b) {~~Section 53-3-204 (Effective 05/06/26);~~} }

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