

HB0444S01 compared with HB0444S02

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **23A-6-303** , as last amended by Laws of Utah 2025, Chapter 131

26 **41-22-10.7** , as last amended by Laws of Utah 2025, Chapter 285

27 **53C-2-106** , as enacted by Laws of Utah 2025, Chapter 131

28 **63L-11-205** , as enacted by Laws of Utah 2025, Chapter 131

29 **72-3-105** , as last amended by Laws of Utah 2025, Chapter 131

30 **72-3-108** , as last amended by Laws of Utah 2023, Chapter 435

31 **72-5-102** , as last amended by Laws of Utah 2023, Chapter 22

32 **72-5-105** , as last amended by Laws of Utah 2024, Chapter 472

33 **76-11-201** , as enacted by Laws of Utah 2025, Chapter 173

34 **76-11-209** , as renumbered and amended by Laws of Utah 2025, Chapters 173, 208

35

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

37 Section 1. Section **23A-6-303** is amended to read:

38 **23A-6-303. Review and adoption of management plans.**

- 36 (1) The division shall submit a draft management plan to the Resource Development Coordinating Committee created in Section 63L-11-401 and the Habitat Council created by the division for their review and recommendations.
- 39 (2) The division shall submit a draft management plan and any recommendations received from the Resource Development Coordinating Committee and the Habitat Council to:
- 41 (a) the regional advisory council for the wildlife region in which the lands covered by the management plan are located; and
- 43 (b) the regional advisory council for a wildlife region that may be affected by the management plan.
- 45 (3) A regional advisory council reviewing a draft management plan may make recommendations to the director.
- 47 (4) The director may adopt the management plan, adopt the management plan with amendments, or reject the management plan.

HB0444S01 compared with HB0444S02

49 (5)

(a) At the request of the director or a member of the Wildlife Board, the Wildlife Board may review a management plan to determine whether the plan is consistent with Wildlife Board policies.

52 (b) The director may amend a management plan in accordance with recommendations made by the Wildlife Board.

54 (6) Neither the division nor the director may permanently close a road within a wildlife management area as part of a management plan without ~~[eonsent of]~~ consultation with the county legislative body within which the wildlife management area is located.

57 (7)

(a) The division shall record with the county in which the wildlife management area is located any road on or across the wildlife management area before the sale or exchange of a wildlife management area.

60 (b) The sale or exchange of any portion of a wildlife management area is subject to the public access rights existing at the time of the sale or exchange.

65 Section 2. Section 41-22-10.7 is amended to read:

66 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

67 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

68 (a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;

70 (b) headlights and taillights when operated between sunset and sunrise;

71 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

72 (d) when operated on sand dunes designated by the division, a safety flag that is:

73 ~~[(i) red or orange in color;]~~

74 ~~[(ii)]~~ (i) a minimum of six by 12 inches; and

75 ~~[(iii)]~~ (ii) attached to:

76 (A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or

78 (B) the protective headgear of a person operating an off-highway motorcycle so that the safety flag is at least 18 inches above the top of the person's head.

80 (2) A violation of Subsection (1) is an infraction.

81

HB0444S01 compared with HB0444S02

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules, after notifying the commission, which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).

85 (4) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

87 Section 3. Section **53C-2-106** is amended to read:

88 **53C-2-106. Identification and recording of public roads located on trust lands.**

64 (1) The director shall:

65 (a) subject to Subsection (2), using the State Geographic Information Database created in Section 63A-16-506, and other available information, identify temporary public easements or rights of entry granted pursuant to Section 72-5-203 for roads located on trust lands within each county; and

69 (b) subject to Section 72-5-203, record with the county recorder of the county in which the temporary public easement or right of entry is located a grant or permanent easement as described in Subsection (4) that gives notice of the existence of the public road.

73 (2)

(a) Subject to Subsection (2)(b), the director may complete the requirements of Subsection (1) over time and as resources allow.

75 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan County, Uintah County, and Wayne County, the director shall complete the requirements described in Subsection (1) on or before January 5, 2026.

78 (c) For a county not described in Subsection (2)(b), the director shall strategically complete the requirements described in Subsection (1) as funding and staffing resources allow to promote and protect access to public lands.

81 (3) The director is not required to identify or record notice of any class A, class B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.

83 (4) The grant of easement required in Subsection (1)(b) shall include:

84 (a) a requirement that the roads remain open for public use; and

85 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads sufficient for reasonable identification of the road.

87 (5)

HB0444S01 compared with HB0444S02

(a) If a parcel of trust lands is subject to a sale or an exchange as provided in this title, the director shall ensure that the requirements of Subsection (1) are completed before the sale or exchange is finalized.

90 (b) The sale or exchange of trust lands is subject to the grant of permanent easement existing at the time of the sale or exchange.

117 Section 4. Section **63L-11-205** is amended to read:

118 **63L-11-205. Identification and recording of public roads located on state-owned public lands.**

95 (1) As used in this section, "state land" means land owned by:

96 (a) the Department of Natural Resources;

97 (b) the Division of Forestry, Fire, and State Lands;

98 (c) the Division of State Parks; and

99 (d) any other state land management agency.

100 (2)

(a) In coordination with the relevant owner, the advisor shall:

101 (i) subject to Subsection (3), using the State Geographic Information Database created in Section 63A-16-506, and other available information, identify roads located on state land; and

104 (ii) subject to Subsection (2)(b), record with the county recorder of the county in which the state land is located a document as described in Subsection (5) that gives notice of the existence of the public road or right-of-way.

107 (b) The advisor may not record a notice described in Subsection (2)(a)(ii) for a road on state land that is owned by the Division of Wildlife Resources until the land is sold or exchanged as described in Subsection (6).

110 (3)

(a) Subject to Subsection (3)(b), the advisor may complete the requirements of Subsection (2) over time and as resources allow.

112 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan County, Uintah County, and Wayne County, the advisor shall complete the requirements described in Subsection (2) on or before January 5, 2026.

115

HB0444S01 compared with HB0444S02

- (c) For a county not described in Subsection (3)(b), the advisor shall strategically complete the requirements described in Subsection (2) as funding and staffing resources allow to promote and protect access to public lands.
- 118 (4) The advisor is not required to identify or record notice of any class A, class B, or class C roads, as
those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 120 (5) The notice required in Subsection (2)(a)(ii) shall include:
- 121 (a) a title identifying the roads as "Public Access"; and
- 122 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads or rights-of-way
sufficient for reasonable identification of the road.
- 124 (6)
- (a) If a parcel of state land is subject to a sale or an exchange, the advisor shall ensure that the
requirements of Subsection (2) are completed before the sale or exchange is finalized.
- 127 (b) The sale or exchange of state land is subject to the public access rights existing at the time of the
sale or exchange.
- 129 [~~(7)~~
- (a) ~~The Division of Wildlife Resources shall identify roads within a wildlife management area in the
respective property's habitat management plan, as required in Section 23A-6-302.]~~
- 132 [~~(b) For any road identified under Subsection (7)(a), the Division of Wildlife Resources may:]~~
- 134 [~~(i) temporarily close a road for the benefit of wildlife; and]~~
- 135 [~~(ii) permanently close roads for the benefit of wildlife only:]~~
- 136 [~~(A) through the habitat management plan review and approval process in Section 23A-6-303; and]~~
- 138 [~~(B) beginning on May 7, 2025, with consent of the county legislative body within which the road is
located.]~~
- 140 [~~(e) Notwithstanding Subsection (7)(b), the Division of Wildlife Resources may close a road for the
benefit of wildlife if:]~~
- 142 [~~(i) there is an alternative road that will remain open that provides reasonable access to the same area;]~~
- 144 [~~(ii) the road to be closed forks from the alternative road that will remain open;]~~
- 145 [~~(iii) the road to be closed is less traveled than the alternative road that will remain open;]~~
- 147 [~~(iv) the road to be closed travels in approximately the same direction as the alternative road that will
remain open; and]~~
- 149

HB0444S01 compared with HB0444S02

~~[(v) the road to be closed intersects with the alternative road that will remain open within 2,000 feet of the location where the road to be closed forks from the road that will remain open.]~~

152 ~~[(d)~~

~~(i) The Division of Wildlife Resources shall record with the county in which the wildlife management area property is located, any road on or across the wildlife management area prior to any sale or exchange of any wildlife management area property.]~~

156 ~~[(ii) The sale or exchange of Division of Wildlife Resources land is subject to the public access rights existing at the time of the sale or exchange.]~~

183 Section 5. Section **72-3-105** is amended to read:

184 **72-3-105. Class D roads -- Maps to be prepared by county -- Indication of roads.**

160 (1) As used in this section, "class D road" means any road, way, or other land surface route that has been or is established by use or constructed ~~[and has been maintained]~~to provide for usage by the public for vehicles with four or more wheels that is not a class A, class B, or class C road under this title, or an R.S. 2477 right-of-way, as that term is defined in Section 72-5-301.

165 (2) Each class D road is part of the highway and road system within the state with the same ~~[force and]~~ effect as if the class D road had been included within this system upon ~~[its]~~ the class D road being first established or constructed.

168 (3) The state and county have joint undivided interest in the title to all rights-of-way for class D roads, unless the state or county has vacated and abandoned interest in the class D road.

171 (4)

(a) Subject to Subsection (4)(b), the county governing body exercises sole jurisdiction and control of class D roads within the county.

173 (b) If a county vacates or abandons a class D road, the department exercises sole jurisdiction and control of the class D road.

175 (5)

(a) Each county shall prepare maps showing to the best of ~~[its]~~ the county's ability the class D roads within ~~[its]~~ the county's boundaries which were in existence as of October 21, 1976.

178 (b) Preparation of ~~[these]~~ the maps described in Subsection (5)(a) may be done by the county ~~[itself]~~ or through any multi-county planning district in which the county participates.

181 (6) Any class D road which is established or constructed after October 21, 1976, shall be reflected on maps prepared as provided in Subsection (5).

HB0444S01 compared with HB0444S02

- 183 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon completion to the
department.
- 185 (8)
- 187 (a) The department shall scribe each road shown on ~~[its]~~ the department's own county map series.
- (b) The department is not responsible for the validity of any class D road and is not responsible for
~~[its]~~ the class D road being inventoried.
- 189 (c) The department shall ~~[also-]~~keep on file an historical map record of the roads as provided by the
counties.
- 191 (9)
- (a) If a county vacates or abandons the county's class D road interest in a road within the county, the
right-of-way remains open for public use unless the department, in consultation with the Public
Lands Policy Coordinating Office created in Section 63L-11-201, determines that the road or right-
of-way:
- 195 (i) does not provide a benefit to the state in a manner consistent with the principles of multiple use
and sustained yield as described in Section 63L-8-103; or
- 197 (ii) is not used to access public or private land.
- 198 (b) ~~[Before]~~ Subject to Subsections (9)(c) and (10), before a county may vacate or abandon the county's
right-of-way interest in a class D road, the county shall:
- 200 (i) ~~[-]~~provide to the department 180 days in advance of taking the action a written notice that includes
the following:
- 202 ~~[(i)]~~ (A) a legal description and map of the portion of the class D road for which the county intends to
abandon the county's interest;
- 204 ~~[(ii)]~~ (B) a statement affirming that all gates and locks, whether ~~[or not]~~ installed or authorized by the
county, and all county agreements, have been removed from the portion to be vacated; and
- 207 ~~[(iii)]~~ (C) documentation that the portion to be vacated is shown as a class D road in the county
recorder's office~~[-]~~ ;
- 209 (ii) hold a public hearing giving the public the opportunity to provide written and oral input;
- 211 (iii) publish notice of the hearing in compliance with the requirements of a class A notice under Section
63G-30-102, for at least four weeks before the day of the hearing; and
- 214 (iv) mail notice to the department and all owners of property abutting the class D road, at least four
weeks before the day of the hearing.

HB0444S01 compared with HB0444S02

- 216 (c)
- (i) A county may not vacate or abandon the county's interest in a class D road if the road provides:
- 218 (A) a public benefit to the state in a manner consistent with the principles of multiple use and
sustained yield as described in Section 63L-8-103;
- 220 (B) access to public land; or
- 221 (C) subject to Subsection (9)(c)(ii), access to private land beyond the location where the vacation or
abandonment of the class D road is proposed.
- 223 (ii) If a class D road provides access to private land as described in Subsection (9)(c)(i)(C), the county
may vacate or abandon the county's interest in the road if:
- 225 (A) the class D road does not provide public benefit or access to public land as described in Subsection
(9)(c)(i)(A) or (B); and
- 227 (B) each owner of private land along the class D road beyond where the vacation or abandonment of the
county's interest in the road is proposed to end agree in writing to the abandonment of the road.
- 230 (iii) If a class D road is vacated or abandoned as described in Subsection (9)(c)(ii), the county shall
record with the county recorder a document describing the vacation and abandonment.
- 233 (d) If a county vacates or abandons the county's interest in a class D road, the county shall record with
the applicable county recorder a notice of the vacation or abandonment of the county's interest,
including the following: "The county's vacation or abandonment of the road does not constitute a
vacation or abandonment by the state of Utah of any interest the state may have."
- 238 [(e)] (e) A county may not vacate or abandon the county's right-of-way interest in a class D road
without the approval of the department.
- 240 [(d)] (f) A person may not place a lock or a gate on a class D road right-of-way [~~over which the~~
~~department exercises sole jurisdiction~~] that provides access to multiple use lands or private property
access.
- 243 (10)
- (a) The department may not vacate or abandon a class D road if the road provides:
- 244 (i) a public benefit to the state in a manner consistent with the principles of multiple use and
sustained yield as described in Section 63L-8-103;
- 246 (ii) access to public land; or
- 247 (iii) access to private land beyond the location where the vacation or abandonment of the class D
road is proposed.

HB0444S01 compared with HB0444S02

- 249 (b) If a county legislative body determines that proposed vacation and abandonment of a class D road
252 meets the requirements under Subsections (9)(b) and (10)(a), the county shall:
- 254 (i) publish the proposal on an agenda for a public meeting of the county legislative body to hear the
proposal;
- 256 (ii) publish the proposal on a public notice website of the state government for at least 30 days before
the public meeting; and
- 260 (iii) after satisfying the requirement under Subsection (10)(b)(ii), and at least 30 days after the meeting
described in Subsection (10)(b)(ii), and subject to Subsection (10)(a), the county legislative body
may vote to vacate and abandon the county's interest in the class D road.
- 263 (c) Any vacation and abandonment of a class D road is subject to reasonable access to existing rights-
of-way or easements, including those for water infrastructure and public utilities.
- 263 [(10)] (11)
- 264 (a) A county and the department are not required to maintain a class D road.
- 264 (b) An individual who travels on a class D road does so at the individual's own risk.
- 290 Section 6. Section **72-3-108** is amended to read:
- 291 **72-3-108. County roads -- Vacation and narrowing -- Notice requirements.**
- 267 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road without petition
or after petition by a property owner.
- 269 (2) A county may not vacate a county road unless notice of the hearing is:
- 270 (a) published for the county, as a class A notice under Section 63G-30-102, for at least four weeks
before the day of the hearing; and
- 272 (b) mailed to the department and all owners of property abutting the county road.
- 273 (3) The right-of-way and easements, if any, of a property owner and the franchise rights of any public
utility may not be impaired by vacating or narrowing a county road.
- 275 (4) Except as provided in Section 72-3-105 or 72-5-305, if a county vacates a county road, the state's
right-of-way interest in the county road is also vacated.
- 302 Section 7. Section **72-5-102** is amended to read:
- 303 **72-5-102. Definitions.**
- As used in this part[~~,"state transportation purposes" includes:~~] :
- 280 (1) "Public entity" means the same as that term is defined in Section 72-2-201.
- 281 (2) "State institution of higher education" means the same as that term is defined in Section 53B-3-102.

HB0444S01 compared with HB0444S02

- 283 (3) "State transportation purposes" includes:
- 284 [(1)] (a) highway, public transit facility, and transportation rights-of-way, including those necessary
within cities and towns;
- 286 [(2)] (b) the construction, reconstruction, relocation, improvement, maintenance, and mitigation from
the effects of these activities on state highways and other transportation facilities, including parking
facilities, under the control of the department;
- 290 [(3)] (c) limited access facilities, including rights of access, air, light, and view and frontage and service
roads to highways;
- 292 [(4)] (d) adequate drainage in connection with any highway, cut, fill, or channel change and the
maintenance of any highway, cut, fill, or channel change;
- 294 [(5)] (e) weighing stations, shops, offices, storage buildings and yards, and road maintenance or
construction sites;
- 296 [(6)] (f) road material sites, sites for the manufacture of road materials, and access roads to the sites;
- 298 [(7)] (g) the maintenance of an unobstructed view of any portion of a highway to promote the safety of
the traveling public;
- 300 [(8)] (h) the placement of traffic signals, directional signs, and other signs, fences, curbs, barriers, and
obstructions for the convenience of the traveling public;
- 302 [(9)] (i) the construction and maintenance of storm sewers, sidewalks, and highway illumination;
- 304 [(10)] (j) the construction and maintenance of livestock highways;
- 305 [(11)] (k) the construction and maintenance of roadside rest areas adjacent to or near any highway; and
- 307 [(12)] (l) the mitigation of impacts from transportation projects.

333 Section 8. Section **72-5-105** is amended to read:

334 **72-5-105. Highways, streets, or roads once established continue until abandoned --**
Temporary closure -- Notice.

311 (1)

- (a) Except as provided in Subsections (1)(b), (3), and (7), all public highways, streets, or roads once
established shall continue to be highways, streets, or roads until formally abandoned or vacated by
written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by
court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in
the office of the recorder of the county or counties where the highway, street, or road is located.

317

HB0444S01 compared with HB0444S02

- (b) If public use of a highway, street, or road across private land has been discontinued for more than 50 years:
- 319 (i) the highway, street, or road is not required to be formally abandoned as described in Subsection (1) (a); and
- 321 (ii) ownership of the highway, street, or road is vested in the adjoining record owner or owners, with one-half of the width of the highway, street, or road vesting to the adjoining owners.
- 324 (c) Subsection (1)(b) does not apply to a public highway, street, or road:
- 325 (i) claimed by the state or county under R.S. 2477 or across federal lands[-] ; or
- 326 (ii) on lands owned by a public entity or state institution of higher education.
- 327 (2)
- (a) [~~Før~~] Except as provided in Subsections (2)(b) and (c), for purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.
- 332 (b) [~~Provided, however, that should a-~~] If the property description of an owner of record [~~extend~~] extends into the vacated or abandoned highway, street, or road, that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in [~~this-~~]Subsection [~~(2)~~] (2)(a).
- 337 (c) Title to a highway, street, or road that a local highway authority closes to vehicular traffic under Subsection (3) or (7) remains vested in the city.
- 339 (3)
- (a) In accordance with this section, a state or local highway authority may temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B, C, or D road or R.S. 2477 right-of-way.
- 342 (b)
- (i) A temporary closure authorized under this section is not an abandonment.
- 343 (ii) The erection of a barrier or sign on a highway, street, or road once established is not an abandonment.
- 345 (iii) An interruption of the public's continuous use of a highway, street, or road once established is not an abandonment even if the interruption is allowed to continue unabated.
- 348

HB0444S01 compared with HB0444S02

- (c) A temporary closure under Subsection (3)(a) may be authorized only under the following circumstances:
- 350 (i) when a federal authority, or other person, provides an alternate route to an R.S. 2477 right-of-way or
portion of an R.S. 2477 right-of-way if the alternate route is:
- 352 (A) accepted by the highway authority; and
- 353 (B) formalized by a federal permit or a written agreement between the federal authority or other person
and the highway authority;
- 355 (ii) when a state or local highway authority determines that correction or mitigation of injury to private
or public land resources is necessary on or near a class B or D road or portion of a class B or D road;
or
- 358 (iii) when a local highway authority makes a finding that temporary closure of all or part of a class C
road is necessary to mitigate unsafe conditions.
- 360 (d)
- (i) If a local highway authority temporarily closes all or part of a class C road under Subsection (3)(c)
(iii), the local highway authority may convert the closed portion of the road to another public use or
purpose related to the mitigation of the unsafe condition.
- 364 (ii) If a local highway authority temporarily closes all or part of a class C road under Subsection (3)(c)
(iii), and the closed portion of road is the subject of a lease agreement between the local highway
authority and another entity, the local highway authority may not reopen the closed portion of the
road until the lease agreement terminates.
- 369 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way
temporarily closed under this section if the alternate route is closed for any reason.
- 372 (f) A temporary closure authorized under Subsection (3)(c)(ii)[~~shall~~]:
- 373 (i) shall be authorized annually; and
- 374 (ii) may not exceed two years from the date the highway authority first closes the highway, or the time
it takes to complete the correction or mitigation, whichever is less.
- 377 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway authority shall pass an
ordinance to temporarily or indefinitely close the road.
- 379 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4), a highway
authority shall:
- 381 (a) hold a hearing on the proposed temporary or indefinite closure;

HB0444S01 compared with HB0444S02

- 382 (b) provide notice of the hearing by mailing a notice to the Department of Transportation; and
384 (c) except for a closure under Subsection (3)(c)(iii), provide notice to the owners of the properties
abutting the highway, as a class B notice under Section 63G-30-102, [~~for~~]at least four weeks before
the day of the hearing.
- 387 (6) The right-of-way and easements, if any, of a property owner and the franchise rights of any public
utility may not be impaired by a temporary or indefinite closure authorized under this section.
- 390 (7)
- (a) A local highway authority may close to vehicular travel and convert to another public use or purpose
a highway, road, or street over which the local highway authority has jurisdiction, for an indefinite
period of time, if the local highway authority makes a finding that:
- 394 (i) the closed highway, road, or street is not necessary for vehicular travel;
395 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury to private or
public land resources on or near the highway, road, or street; or
397 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe conditions.
- 399 (b) If a local highway authority indefinitely closes all or part of a highway, road, or street under
Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease agreement between the
local highway authority and another entity, the local highway authority may not reopen the closed
portion of the road until the lease agreement terminates.
- 404 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.
- 430 Section 9. Section **76-11-201** is amended to read:
431 **76-11-201. Definitions.**
As used in this part:
- 408 (1) "Class D road" means the same as that term is defined in Section 72-3-105.
409 [~~(1)~~] (2) "Enter" means intrusion of the entire body.
410 [~~(2)~~] (3) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be readily
restored to fire, automatically more than one shot without manual reloading by a single function of
the trigger.
- 413 (4) "Highway" means the same as that term is defined in Section 72-1-102.
414 [~~(3)~~] (5) "House of worship" means a church, temple, synagogue, mosque, or other building set apart
primarily for the purpose of worship in which religious services are held and the main body of

HB0444S01 compared with HB0444S02

which is kept for that use and not put to any other use inconsistent with the building's primary purpose.

418 [(4)] (6) "Machinegun firearm attachment" means any part or combination of parts added to a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.

420 [(5)] (7)

(a) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on an individual's person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the individual's person.

424 (b) "Readily accessible for immediate use" does not include a securely encased firearm.

425 [(6)] (8)

(a) "Securely encased firearm" means a firearm that is not readily accessible for immediate use.

427 (b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun rack, in a closed locked or unlocked case or container, or in a trunk or other storage area of a motor vehicle.

430 (c) "Securely encased firearm" does not include a firearm in a glove box or console box unless the firearm is also in a holster or other case which covers the trigger mechanism.

458 Section 10. Section **76-11-209** is amended to read:

459 **76-11-209. Improper discharging of a dangerous weapon.**

435 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

436 (2) An actor commits improper discharging of a dangerous weapon if the actor discharges a dangerous weapon:

438 (a) from a vehicle;

439 (b) from, upon, or across a highway other than a class D road;

440 (c) at a road sign placed on a [state-]highway;

441 (d) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;

443 (e) at railroad equipment or facilities including a sign or signal;

444 (f) within a Utah State Park building, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or

446 (g) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:

448 (i) a house, dwelling, or other building; or

HB0444S01 compared with HB0444S02

- 449 (ii) a structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding
pen, or stockyard.
- 451 (3) A violation of Subsection (2) is a class B misdemeanor.
- 452 (4) In addition to any other penalties, the court shall:
- 453 (a) notify the Driver License Division of the conviction for purposes of any revocation, denial,
suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
- 456 (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)
(c).
- 458 (5) This section does not apply to an actor who:
- 459 (a) discharges a dangerous weapon in the lawful defense of the actor or another individual;
- 461 (b) is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing official duties as
provided in Section 23A-2-207 or 79-2-704 or as otherwise provided by law;
- 464 (c) discharges a dangerous weapon from an automobile or other vehicle, if:
- 465 (i) the discharge occurs at a firing range or training ground;
- 466 (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location
other than within the boundaries of the firing range or training ground described in Subsection (5)(c)
(i);
- 469 (iii) the discharge is made as practice or training for a lawful purpose;
- 470 (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or
operator of the firing range or training ground before the discharge; and
- 473 (v) the discharge is not made in violation of Subsection (2); or
- 474 (d) acting under a farm custom slaughter license, discharges a firearm or other dangerous weapon in
accordance with Subsection 4-32-108(3).
- 476 (6) It is a defense to a charge for violating this section that the actor had actual permission of the person
in charge of the property at the time the actor discharged the dangerous weapon as described in
Subsection (2).

504 Section 11. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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