

**Effective 5/3/2023**

**11-56-103 Licensing -- Reciprocity -- Fees.**

- (1)
  - (a) Subject to the provisions of this chapter, a political subdivision may require a mobile business to obtain a business license if the mobile business does not hold a current business license in good standing from another political subdivision in the state.
  - (b) A political subdivision may only charge a licensing fee to a mobile business in an amount that reimburses the political subdivision for the actual cost of processing the business license.
- (2) A political subdivision may not:
  - (a) require a mobile business to:
    - (i) obtain a separate business license beyond the initial business license described in Subsection (1)(a);
    - (ii) pay a fee other than the fee for the initial business license described in Subsection (1); or
    - (iii) pay a fee for each employee the mobile business employs;
  - (b) as a condition of a mobile business obtaining a business license under Subsection (1):
    - (i) require an operator to submit to or offer evidence of a criminal background check, except as provided in Subsection (5); or
    - (ii) require a mobile business or its operator to demonstrate how the mobile business will comply with a land use or zoning ordinance at the time the mobile business applies for the business license; or
  - (c) regulate or restrict the size of a mobile business.
- (3)
  - (a) A political subdivision shall recognize as valid within the political subdivision the business license of a mobile business obtained in another political subdivision within the state, if the business license is current and in good standing.
  - (b) Notwithstanding Subsection (3)(a), a political subdivision is not required to recognize as valid the business license issued by another political subdivision within the state if:
    - (i)
      - (A) the mobile business does not have a current health department permit from a local health department within the state; and
      - (B) the nature of the mobile business requires that the mobile business have a health department permit in order to operate; or
    - (ii)
      - (A) the mobile business does not have current evidence of passing a fire safety inspection, conducted by another political subdivision within the state in accordance with Subsection 11-56-104(3)(a); and
      - (B) the nature of the mobile business requires that the mobile business pass a fire safety inspection in order to operate.
- (4) Nothing in this section prevents a political subdivision from:
  - (a) requiring a mobile business to comply with local zoning and land use regulations to the extent that the regulations do not conflict with this chapter;
  - (b) promulgating local ordinances and regulations consistent with this section that address how and where a food truck or enclosed mobile business truck may operate within the political subdivision;
  - (c) requiring a mobile business to obtain an event permit in accordance with Section 11-56-105; or
  - (d) if the nature of the mobile business requires the mobile business to have a business license, health department permit, or fire safety inspection, requiring the mobile business

to keep a copy of the following in each mobile business that is in operation and engaging in transactions:

- (i) a valid business license, whether issued by the political subdivision or another political subdivision;
  - (ii) a valid health department permit, as described in Section 11-56-104, whether issued by a local health department or another health department; or
  - (iii) evidence of passing a fire safety inspection, as described in Section 11-56-104, whether conducted by the political subdivision or another political subdivision.
- (5) As a condition of obtaining and maintaining in good standing an initial business license as described in Subsection (1)(a), a political subdivision may require a food truck business that operates one or more ice cream trucks to submit to or offer evidence of an annual criminal background check for each employee of the food truck business that operates or will operate an ice cream truck.

Amended by Chapter 450, 2023 General Session