Effective 5/3/2023

Chapter 56
Mobile Business Licensing and Regulation Act

11-56-102 Definitions.

As used in this chapter:

(1)
(a) "Enclosed mobile business" means a business that maintains ongoing mobility and of which the receipt of goods or services offered and point of sales occurs within an enclosed vehicle, an enclosed trailer, or an enclosed mobile structure.
(b) An enclosed mobile business's goods or services include those offered in the following industries:
(i) barber;
(ii) beauty and cosmetic, including nail, eyelash, and waxing;
(iii) cycling;
(iv) cell phone;
(v) computer;
(vi) footwear;
(vii) media archive and transfer;
(viii) pet grooming;
(ix) sewing and tailoring;
(x) small engine; and
(xi) tool.
(c) "Enclosed mobile business" does not include a food cart, a food truck, or an ice cream truck.

(2) "Event permit" means a permit that a political subdivision issues to the organizer of a mobile business event located on public property.

(3)
(a) "Food cart" means a cart:
(i) that, except as provided in Subsection (3)(c), is not motorized; and
(ii) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
(b) "Food cart" does not include an enclosed mobile business, a food truck, or an ice cream truck.
(c) "Food cart" includes a cart that is pulled by an electric assisted bicycle, as that term is defined in Section 41-6a-102.

(4)
(a) "Food truck" means a fully encased food service establishment:
(i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
(ii) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.
(b) "Food truck" does not include an enclosed mobile business, a food cart, or an ice cream truck.

(5) "Health department permit" means a document that a local health department issues to authorize a mobile business to operate within the jurisdiction of the local health department.

(6)
(a) "Ice cream truck" means a fully encased food service establishment:
(i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

(ii) from which a vendor, from within the frame of the vehicle, serves ice cream;
(iii) that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
(iv) that may stop to serve ice cream at the signal of a patron.
(b) "Ice cream truck" does not include an enclosed mobile business, a food cart, or a food truck.
(7) "Local health department" means the same as that term is defined in Section 26A-1-102.
(8) "Mobile business" means an enclosed mobile business, a food cart, a food truck, or an ice cream truck.
(9) "Mobile business event" means an event at which a mobile business has been invited by the event organizer to offer the mobile business's goods or services at a private or public gathering.
(10) "Operator" means a person, including a vendor, who owns, manages, controls, or operates a mobile business.
(11) "Political subdivision" means:
(a) a city or town; or
(b) a county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county.
(12)
(a) "Temporary mass gathering" means:
(i) an actual or reasonably anticipated assembly of 500 or more people that continues, or reasonably can be expected to continue, for two or more hours per day; or
(ii) an event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks.
(b) "Temporary mass gathering" does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the assembly is a temporary mass gathering described in Subsection (15)(a)(i).

Amended by Chapter 78, 2025 General Session

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

11-56-104 Safety and health inspections and permits -- Fees.

(1)

(a)

(i) A food truck business shall obtain, for each food truck that the business operates, an annual health department permit from the local health department that has jurisdiction over the area in which the majority of the food truck's operations occur.
(ii) Subject to Subsection (4)(a), a mobile business is not subject to a local health department's regulations or permit requirements, unless the local health department has authority to regulate the activities or services provided by the mobile business through regulation or permit.
(b) A local health department shall recognize as valid a health department permit that has been issued by another local health department within the state.
(2) A local health department may only charge a fee for a health department permit in an amount that reimburses the local health department for the cost of regulating the mobile business.
(3)
(a) A political subdivision inspecting a mobile business for fire safety shall conduct the inspection based on the criteria that the Utah Fire Prevention Board, created in Section 53-7-203, establishes in accordance with Section 53-7-204.
(b)
(i) A political subdivision shall recognize as valid within the political subdivision's jurisdiction an approval from another political subdivision within the state that shows that the mobile business passed a fire safety inspection that the other political subdivision conducted.
(ii) A political subdivision may not require that a mobile business pass a fire safety inspection in a given calendar year if the mobile business presents to the political subdivision an approval described in Subsection (3)(b)(i) issued during the same calendar year.
(4)
(a) Nothing in this section prevents a local health department from requiring a mobile business to obtain an event permit, in accordance with Section 11-56-105.
(b) Nothing in this section prevents a political subdivision from revoking the political subdivision's approval:
(i) described in Subsection (1)(b), if the mobile business fails a health inspection by a local health department; or
(ii) described in Subsection (3)(b)(i), if the mobile business does not pass a fire safety inspection described in Subsection (3)(a).
(c) For each mobile business that fails a health inspection as described in Subsection (4)(b)(i), a local health department may charge and collect a fee from the mobile business for that health inspection.

Amended by Chapter 450, 2023 General Session

11-56-105 Mobile business events.
(1) Subject to Subsection (4), a political subdivision may not require a mobile business to pay any fee or obtain from the political subdivision any permit to operate the mobile business at a mobile business event that takes place on private property within the political subdivision, regardless of whether the event is open or closed to the public.
(2) If a mobile business has a business license from any political subdivision within the state, a political subdivision may not require the mobile business to pay a fee or obtain from the political subdivision an additional business license or permit to operate at an event that:
(a) takes place on private property within the political subdivision; and
(b) is not open to the public.

(3) If a political subdivision requires an event permit for a mobile business event, the organizer of the mobile business event may obtain the event permit on behalf of the mobile businesses that service the event.
(4)
(a) Nothing in this section prohibits a county health department from requiring a permit for a temporary mass gathering.
(b)
(i) A mobile business operating at a temporary mass gathering that occurs over multiple days may operate in a stationary manner for the duration of the temporary mass gathering, not to exceed five consecutive days, without moving or changing location if the mobile business maintains sanitary conditions and operates in compliance with the permitting requirements and regulations imposed on other similar vendors at the temporary mass gathering.
(ii) A county health department may not impose a requirement on a mobile business described in Subsection (4)(b)(i) that the county health department does not impose on other similar vendors operating at the temporary mass gathering.

Amended by Chapter 450, 2023 General Session

11-56-106 Mobile business operation.

A political subdivision may not:
(1) entirely or constructively prohibit mobile businesses in a zone in which a food establishment is a permitted or conditional use;
(2) prohibit the operation of a food truck within a given distance of a restaurant;
(3) restrict the total number of days a mobile business may operate within the political subdivision during a calendar year;
(4) require a mobile business to:
(a) provide to the political subdivision:
(i) a site plan for each location in which a mobile business operates in the public right of way, if the political subdivision permits mobile businesses in the public right of way; or
(ii) the date, time, or duration that a mobile business will operate within the political subdivision; or
(b) obtain and pay for a land use permit for each location and time during which a mobile business operates; or
(5) if a mobile business has the consent of a private property owner to operate on the private property:
(a) limit the number of days the mobile business may operate on the private property;
(b) require that the mobile business provide to the political subdivision or keep on file in the mobile business the private property owner's written consent; or
(c) require a site plan for the operation of the mobile business on the private property where the mobile business operates in the same location for less than 10 hours per week.

Amended by Chapter 450, 2023 General Session