

Chapter 8
Resort License Act

Part 1
General Provisions

32B-8-101 Title.

This chapter is known as the "Resort License Act."

Enacted by Chapter 276, 2010 General Session

32B-8-102 Definitions.

As used in this chapter:

- (1) "Boundary of a resort building" means the physical boundary of the real property reasonably related to a resort building and any structure or improvement to that land as determined by the commission.
- (2) "Dwelling" means a portion of a resort building:
 - (a) owned by one or more individuals;
 - (b) that is used or designated for use as a residence by one or more persons; and
 - (c) that may be rented, loaned, leased, or hired out for a period of no longer than 30 consecutive days by a person who uses it for a residence.
- (3) "Engaged in the management of the resort" may be defined by the commission by rule.
- (4) "Resident" means an individual who:
 - (a) owns a dwelling located within a resort building; or
 - (b) rents lodging accommodations for 30 consecutive days or less from:
 - (i) an owner of a dwelling described in Subsection (4)(a); or
 - (ii) the resort licensee.
- (5) "Resort" means a location:
 - (a) on which is located one resort building; and
 - (b) that is affiliated with a ski area that physically touches the boundary of the resort building.
- (6) "Resort building" means a building:
 - (a) that is primarily operated to provide dwellings or lodging accommodations;
 - (b) that has at least 150 units that consist of a dwelling or lodging accommodations;
 - (c) that consists of at least 400,000 square feet:
 - (i) including only the building itself; and
 - (ii) not including areas such as above ground surface parking; and
 - (d) of which at least 50% of the units described in Subsection (6)(b) consist of dwellings owned by a person other than the resort licensee.

Amended by Chapter 219, 2020 General Session

Part 2
Resort Licensing Process

32B-8-201 Commission's power to issue a resort license.

- (1) Before a person as a resort under a single license may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on sublicense premises, the person shall first obtain a resort license from the commission in accordance with this part.
- (2)
 - (a) The commission may issue to a person a resort license to allow the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product in connection with a resort designated in the resort license if the person operates at least four sublicenses under the resort license.
 - (b) A resort license shall:
 - (i) consist of:
 - (A) a general resort license; and
 - (B) four or more sublicenses; and
 - (ii) designate the boundary of the resort building.
 - (c) This chapter does not prohibit an alcoholic product in or on the boundary of the resort building to the extent otherwise permitted by this title.
- (3) The commission may not issue a total number of resort licenses that at any time totals more than eight.

Amended by Chapter 447, 2022 General Session

32B-8-202 Specific licensing requirements for resort license.

- (1) To obtain a resort license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the person's written application:
 - (a) evidence:
 - (i) of proximity of the resort building to any community location;
 - (ii) that each proposed sublicensed premises is entirely within the boundaries of the resort building; and
 - (iii) that the building designated in the application as the resort building qualifies as a resort building; and
 - (b) a description and boundary map of the resort building.
- (2)
 - (a) A resort license expires on October 31 of each year.
 - (b) To renew a person's resort license, the person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- (3)
 - (a) The nonrefundable application fee for a resort license is \$300.
 - (b) The initial license fee for a resort license is calculated as follows:
 - (i) if four sublicenses are being applied for under the resort license, \$10,000; or
 - (ii) if more than four sublicenses are being applied for under the resort license, the sum of:
 - (A) \$10,000; and
 - (B) \$2,000 for each sublicense in excess of four sublicenses for which the person is applying.
 - (c) The renewal fee for a resort license is \$1,000 for each sublicense under the resort license.
- (4)
 - (a) The bond amount required for a resort license is the penal sum of \$25,000.
 - (b) A resort licensee is not required to have a separate bond for each sublicense, except that the aggregate of the bonds posted by the resort licensee shall cover each sublicense under the resort license.

- (5) The commission may not issue a resort license for a resort building that does not meet the proximity requirements of Section 32B-1-202.
- (6) In accordance with Subsection 32B-8d-103(4), a resort licensee may request to add a sublicense after the commission issues the resort licensee's resort license.

Amended by Chapter 219, 2020 General Session

Part 4

Operational Requirements

32B-8-401 Specific operational requirements for resort license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a resort licensee, staff of the resort licensee, and a sublicensee or a person otherwise operating under a sublicense shall comply with this section.
 - (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) the resort licensee;
 - (ii) individual staff of the resort licensee;
 - (iii) a sublicensee or person otherwise operating under a sublicense of the resort licensee;
 - (iv) individual staff of a sublicensee or person otherwise operating under a sublicense of the resort licensee; or
 - (v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).
- (2)
 - (a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product except:
 - (i) on sublicensed premises;
 - (ii) pursuant to a permit issued under this title;
 - (iii) under a package agency agreement with the department, subject to Chapter 2, Part 6, Package Agency; or
 - (iv) through room service.
 - (b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic product:
 - (i) if on a sublicense premises, in accordance with the operational requirements described in Section 32B-8d-104;
 - (ii) if under a permit issued under this title, in accordance with the operational requirements under the provisions applicable to the permit;
 - (iii) if as a package agency, in accordance with the contract with the department and Chapter 2, Part 6, Package Agency; and
 - (iv) if through room service, in accordance with Subsection (5).
- (3) A resort licensee shall operate in a manner so that at least 70% of the annual aggregate of the gross receipts related to the sale of food or beverages for the resort license and each of the resort licensee's sublicenses is from the sale of food, not including:
 - (a) mix for an alcoholic product; and
 - (b) a charge in connection with the service of an alcoholic product.
- (4)

- (a) A resort licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product under a resort license.
 - (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product under a resort license shall complete the alcohol training and education seminar.
- (5)
- (a) Room service of an alcoholic product to a lodging accommodation of a resort licensee shall be provided in person by staff of the resort licensee only to an adult occupant in the lodging accommodation.
 - (b) An alcoholic product may not be left outside a lodging accommodation for retrieval by an occupant.

Amended by Chapter 371, 2023 General Session

Part 5 Enforcement

32B-8-501 Enforcement of qualifications for resort license or sublicense.

- (1) The commission or department may not take an action described in Subsection (2) with regard to a resort license unless the person who is found not to meet the qualifications of Subsection 32B-1-304(1) is one of the following who is engaged in the management of the resort:
- (a) a partner;
 - (b) a managing agent;
 - (c) a manager;
 - (d) an officer;
 - (e) a director;
 - (f) a stockholder who holds at least 20% of the total issued and outstanding stock of the corporation;
 - (g) a member who owns at least 20% of the limited liability company; or
 - (h) a person employed to act in a supervisory or managerial capacity for the resort licensee.
- (2) Subsection (1) applies to:
- (a) the commission immediately suspending or revoking a resort license, if after the day on which the resort license is issued, a person described in Subsection 32B-1-304(7)(a)(i):
 - (i) is found to have been convicted of an offense described in Subsection 32B-1-304(1)(a) before the commission issues the resort license; or
 - (ii) on or after the day on which the commission issues the resort license:
 - (A) is convicted of an offense described in Subsection 32B-1-304(1)(a)(i) or (ii); or
 - (B)
 - (I) is convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug; and
 - (II) was convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug within five years before the day on which the person is convicted of the offense described in Subsection (2)(b)(ii)(A);
 - (b) the director taking an emergency action by immediately suspending the operation of a resort license in accordance with Title 63G, Chapter 4, Administrative Procedures Act, for the period during which the criminal matter is being adjudicated if a person described in Subsection 32B-1-304(7)(a):

- (i) is arrested on a charge for an offense described in Subsection 32B-1-304(1)(a)(i) or (ii); or
 - (ii)
 - (A) is arrested on a charge for the offense of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug; and
 - (B) was convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug within five years before the day on which the person is arrested on a charge described in Subsection (2)(b)(ii)(A); and
 - (c) the commission suspending or revoking a resort license because a person to whom the commission issues a resort license under this chapter no longer possesses the qualifications required by this title for obtaining the resort license.
- (3) This section does not prevent the commission from suspending or revoking a sublicense that is part of a resort license if a person employed to act in a supervisory or managerial capacity for a sublicense no longer meets the qualification requirements in the provisions applicable to the sublicense.

Amended by Chapter 291, 2021 General Session

32B-8-502 Enforcement of operational requirements for resort license or sublicense.

- (1)
- (a) Except as provided in Subsection (2), failure by a person described in Subsection (1)(b) to comply with this chapter or Chapter 8d, Sublicense Act, may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a resort licensee;
 - (ii) individual staff of a resort licensee;
 - (iii) a sublicense or person otherwise operating under a sublicense;
 - (iv) individual staff of a sublicense or person otherwise operating under a sublicense; or
 - (v) any combination of the persons listed in Subsections (1)(a)(i) through (iv).
 - (b) This Subsection (1) applies to:
 - (i) a resort licensee;
 - (ii) a sublicense or person operating under a sublicense of a resort license; or
 - (iii) staff of a resort licensee or sublicensee or other person operating under a sublicense of a resort license.
- (2)
- (a) Notwithstanding the other provisions of this title, if the failure to comply with this chapter described in Subsection (1) relates to a sale, offer for sale, or furnishing of an alcoholic product on sublicensed premises, a resort licensee or an individual member of the resort licensee's management personnel is subject to a sanction described in Subsection (1), only if the commission finds that:
 - (i) during the three years before the day on which the commission makes the finding, there are three or more disciplinary proceedings against any sublicensee or person operating under a sublicense of the resort licensee for failure to comply with an operational requirement applicable to the sublicense; and
 - (ii) the resort licensee has not taken reasonable steps to prevent persons operating under a sublicense of the resort licensee from failing to comply with operational requirements applicable to the sublicense.
 - (b) This Subsection (2) applies if the three or more disciplinary proceedings described in Subsection (2)(a) are against:
 - (i) the same person operating under a sublicense of the resort licensee; or

(ii) two or more different persons operating under a sublicense of the resort licensee.

Amended by Chapter 219, 2020 General Session