

Effective 10/14/2025

Part 2
Resident Student Status and Tuition

53H-11-201 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-11-202 Resident student status -- Definitions -- Exceptions.

(1) As used in this section:

- (a) "DOD civilian" means an employee of the United States Department of Defense who is assigned to perform the employee's duties at a military organization based in Utah.
- (b) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38, Veterans' Benefits, U.S.C.
- (c) "Immediate family member" means an individual's spouse or dependent child.
- (d) "Inmate" means the same as that term is defined in Section 64-13-1.
- (e) "Military service member" means an individual who:
 - (i) is serving on active duty in the United States Armed Forces;
 - (ii) is a member of a reserve component of the United States Armed Forces; or
 - (iii) is a member of the National Guard.
- (f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.
- (g) "National Guard" means the same as that term is defined in Section 39A-1-102.
- (h) "Parent" means a student's biological or adoptive parent.

(2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.

(3)

- (a) Institutions may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:
 - (i) has maintained continuous Utah residency status for one full year;
 - (ii) has signed a written declaration that the student has relinquished residency in any other state; and
 - (iii) has submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere.
- (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
 - (i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;
 - (ii) a Utah voter registration dated a reasonable period prior to application;
 - (iii) a Utah driver license or identification card with an original date of issue or a renewal date several months prior to application;
 - (iv) a Utah vehicle registration dated a reasonable period prior to application;
 - (v) evidence of employment in Utah for a reasonable period prior to application;
 - (vi) proof of payment of Utah resident income taxes for the previous year;
 - (vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to application; and

- (viii) utility bills showing the student's name and Utah address for at least 12 months prior to application.
- (c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible to apply for resident student status.
- (4) Except as provided in Subsection (8), an institution within the state system of higher education may establish stricter criteria for determining resident student status.
- (5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the decision of another institution within the state system of higher education to grant a student resident student status, unless:
 - (a) the student obtained resident student status under false pretenses; or
 - (b) the facts existing at the time of the granting of resident student status have changed.
- (6) Within the limits established in this chapter, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.
- (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.
- (8) Notwithstanding Subsection (3), an institution shall grant resident student status for tuition purposes to:
 - (a) a military service member, if the military service member provides:
 - (i) the military service member's current United States military identification card;
 - (ii) a leave and earning statement of the military service member;
 - (iii) the military service member's military orders;
 - (iv) documentation of enlistment by the military service member; or
 - (v) a statement from the military service member's current commander stating that the military service member is currently serving in the military;
 - (b) a military service member's immediate family member, if the military service member's immediate family member provides:
 - (i) any of the documentation described in Subsection (8)(a); or
 - (ii) the immediate family member's current United States military identification card;
 - (c) a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides evidence of an honorable or general discharge;
 - (d) a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides evidence of the military veteran's honorable or general discharge;
 - (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who is either:
 - (i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or
 - (ii) assigned to a duty station in Utah if the foreign service member provides:
 - (A) evidence of the foreign service member's status;
 - (B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or
 - (C) evidence that the foreign service member is domiciled in Utah;
 - (f) a foreign service member's immediate family member if the foreign service member is either:
 - (i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or
 - (ii) assigned to a duty station in Utah if the foreign service member provides:

- (A) evidence of the foreign service member's status;
 - (B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or
 - (C) evidence that the foreign service member is domiciled in Utah;
- (g) an eligible person who provides:
- (i) evidence of eligibility under Title 38, Veterans' Benefits, U.S.C.; and
 - (ii) a signed written declaration that the eligible person will use the veteran benefits under Title 38 U.S.C.;
- (h) an alien who provides:
- (i) evidence that the alien is a special immigrant visa recipient;
 - (ii) evidence that the alien has been granted refugee status, humanitarian parole, temporary protected status, or asylum; or
 - (iii) evidence that the alien has submitted in good faith an application for refugee status, humanitarian parole, temporary protected status, or asylum under United States immigration law;
- (i) an inmate:
- (i) during the time the inmate is enrolled in the course; and
 - (ii) for one year after the day on which the inmate is released from a correctional facility as defined in Section 64-13-1;
- (j) a DOD civilian, if the DOD civilian provides:
- (i) the DOD civilian's current United States Department of Defense identification card; and
 - (ii)
 - (A) a statement from the DOD civilian's current commander, or equivalent, stating that the DOD civilian is assigned in Utah; or
 - (B) evidence that the DOD civilian is domiciled in Utah, as described in Subsection (9)(a); or
- (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family member provides:
- (i) the DOD civilian's current United States Department of Defense identification card; and
 - (ii)
 - (A) a statement from the DOD civilian's current commander, or equivalent, stating that the DOD civilian is assigned in Utah; or
 - (B) evidence that the DOD civilian is domiciled in Utah, as described in Subsection (9)(a).
- (9)
- (a) The evidence described in Subsection (8)(j)(ii)(B) or (8)(k)(ii)(B) includes:
 - (i) a current Utah voter registration card;
 - (ii) a valid Utah driver license or identification card;
 - (iii) a current Utah vehicle registration;
 - (iv) a copy of a Utah income tax return, in the name of the DOD civilian or DOD civilian's spouse, filed as a resident in accordance with Section 59-10-502; or
 - (v) proof that the DOD civilian or DOD civilian's spouse owns a home in Utah, including a property tax notice for property owned in Utah.
 - (b) Aliens who are present in the United States on visitor, student, or other visas not listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore are classified as nonresidents.
 - (c) Aliens who have been granted or have applied for permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.

- (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.
- (11) A Job Corps student is entitled to resident student status if the student:
 - (a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
 - (b) submits verification that the student is a current Job Corps student.
- (12) A person is entitled to resident student status and may immediately apply for resident student status if the person:
 - (a) marries a Utah resident eligible to be a resident student under this section; and
 - (b) establishes his or her domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).
- (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the student's application is entitled to resident student status.
- (14)
 - (a) A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.
 - (b) All relevant evidence concerning the motivation for the move shall be considered, including:
 - (i) the person's employment and educational history;
 - (ii) the dates when Utah employment was first considered, offered, and accepted;
 - (iii) when the person moved to Utah;
 - (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
 - (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
 - (vi) evidence that the person is an independent person who is:
 - (A) at least 24 years old; or
 - (B) not claimed as a dependent on someone else's tax returns; and
 - (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.
- (15)
 - (a) A person who is in residence in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
 - (b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.
 - (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.
- (16)
 - (a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident

classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.

- (b) All relevant evidence concerning the motivation for the move shall be considered, including:
 - (i) the person's employment and educational history;
 - (ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;
 - (iii) when the person moved to Utah;
 - (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
 - (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
 - (vi) evidence that the person is an independent person who is:
 - (A) at least 24 years old; or
 - (B) not claimed as a dependent on someone else's tax returns; and
 - (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.
- (17) A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.
- (18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for resident student status under Subsection (8)(j) or (k) shall retain the eligibility for resident student status if the DOD civilian or the DOD civilian's immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.
- (19) The board, after consultation with the institutions, shall make rules not inconsistent with this section:
 - (a) concerning the definition of resident and nonresident students;
 - (b) establishing procedures for classifying and reclassifying students;
 - (c) establishing criteria for determining and judging claims of residency or domicile;
 - (d) establishing appeals procedures; and
 - (e) other matters related to this section.
- (20) A student shall be exempt from paying the nonresident portion of total tuition if the student:
 - (a) is a foreign national legally admitted to the United States;
 - (b) attended high school in this state for three or more years; and
 - (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-203 Resident tuition -- Requirements -- Rules.

- (1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:
 - (a) attended high school in this state for three or more years;
 - (b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
 - (c) registers as an entering student at an institution of higher education.

- (2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.
- (3) The board shall make rules for the implementation of this section.
- (4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

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