

Effective 5/5/2021

Effective until 1/30/2024

68-3-12.5 Definitions for Utah Code.

- (1) The definitions listed in this section apply to the Utah Code, unless:
 - (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant to the context of the statute; or
 - (b) a different definition is expressly provided for the respective title, chapter, part, section, or subsection.
- (2) "Adjudicative proceeding" means:
 - (a) an action by a board, commission, department, officer, or other administrative unit of the state that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including an action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and
 - (b) judicial review of an action described in Subsection (2)(a).
- (3) "Administrator" includes "executor" when the subject matter justifies the use.
- (4) "Advisory board," "advisory commission," and "advisory council" mean a board, commission, committee, or council that:
 - (a) is created by, and whose duties are provided by, statute or executive order;
 - (b) performs its duties only under the supervision of another person as provided by statute; and
 - (c) provides advice and makes recommendations to another person that makes policy for the benefit of the general public.
- (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.
- (6) "City" includes, depending on population, a metro township as defined in Section 10-3c-102.
- (7) "County executive" means:
 - (a) the county commission, in the county commission or expanded county commission form of government established under Title 17, Chapter 52a, Changing Forms of County Government;
 - (b) the county executive, in the county executive-council optional form of government authorized by Section 17-52a-203; or
 - (c) the county manager, in the council-manager optional form of government authorized by Section 17-52a-204.
- (8) "County legislative body" means:
 - (a) the county commission, in the county commission or expanded county commission form of government established under Title 17, Chapter 52a, Changing Forms of County Government;
 - (b) the county council, in the county executive-council optional form of government authorized by Section 17-52a-203; and
 - (c) the county council, in the council-manager optional form of government authorized by Section 17-52a-204.
- (9) "Depose" means to make a written statement made under oath or affirmation.
- (10) "Executor" includes "administrator" when the subject matter justifies the use.
- (11) "Guardian" includes a person who:
 - (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment; or
 - (b) is appointed by a court to manage the estate of a minor or incapacitated person.
- (12) "Highway" includes:
 - (a) a public bridge;

- (b) a county way;
 - (c) a county road;
 - (d) a common road; and
 - (e) a state road.
- (13) "Intellectual disability" means a significant, subaverage general intellectual functioning that:
- (a) exists concurrently with deficits in adaptive behavior; and
 - (b) is manifested during the developmental period as defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.
- (14) "Intermediate care facility for people with an intellectual disability" means an intermediate care facility for the mentally retarded, as defined in Title XIX of the Social Security Act.
- (15) "Land" includes:
- (a) land;
 - (b) a tenement;
 - (c) a hereditament;
 - (d) a water right;
 - (e) a possessory right; and
 - (f) a claim.
- (16) "Month" means a calendar month, unless otherwise expressed.
- (17) "Oath" includes "affirmation."
- (18) "Person" means:
- (a) an individual;
 - (b) an association;
 - (c) an institution;
 - (d) a corporation;
 - (e) a company;
 - (f) a trust;
 - (g) a limited liability company;
 - (h) a partnership;
 - (i) a political subdivision;
 - (j) a government office, department, division, bureau, or other body of government; and
 - (k) any other organization or entity.
- (19) "Personal property" includes:
- (a) money;
 - (b) goods;
 - (c) chattels;
 - (d) effects;
 - (e) evidences of a right in action;
 - (f) a written instrument by which a pecuniary obligation, right, or title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
 - (g) a right or interest in an item described in Subsections (19)(a) through (f).
- (20) "Personal representative," "executor," and "administrator" include:
- (a) an executor;
 - (b) an administrator;
 - (c) a successor personal representative;
 - (d) a special administrator; and
 - (e) a person who performs substantially the same function as a person described in Subsections (20)(a) through (d) under the law governing the person's status.

- (21) "Policy board," "policy commission," or "policy council" means a board, commission, or council that:
- (a) is authorized to make policy for the benefit of the general public;
 - (b) is created by, and whose duties are provided by, the constitution or statute; and
 - (c) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute.
- (22) "Population" is shown by the most recent state or national census, unless expressly provided otherwise.
- (23) "Process" means a writ or summons issued in the course of a judicial proceeding.
- (24) "Property" includes both real and personal property.
- (25) "Real estate" or "real property" includes:
- (a) land;
 - (b) a tenement;
 - (c) a hereditament;
 - (d) a water right;
 - (e) a possessory right; and
 - (f) a claim.
- (26) "Review board," "review commission," and "review council" mean a board, commission, committee, or council that:
- (a) is authorized to approve policy made for the benefit of the general public by another body or person;
 - (b) is created by, and whose duties are provided by, statute; and
 - (c) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute.
- (27) "Road" includes:
- (a) a public bridge;
 - (b) a county way;
 - (c) a county road;
 - (d) a common road; and
 - (e) a state road.
- (28) "Signature" includes a name, mark, or sign written with the intent to authenticate an instrument or writing.
- (29) "State," when applied to the different parts of the United States, includes a state, district, or territory of the United States.
- (30) "Swear" includes "affirm."
- (31) "Testify" means to make an oral statement under oath or affirmation.
- (32) "Town" includes, depending on population, a metro township as defined in Section 10-3c-102.
- (33) "Uniformed services" means:
- (a) the armed forces;
 - (b) the commissioned corps of the National Oceanic and Atmospheric Administration; and
 - (c) the commissioned corps of the United States Public Health Service.
- (34) "United States" includes each state, district, and territory of the United States of America.
- (35) "Utah Code" means the 1953 recodification of the Utah Code, as amended, unless the text expressly references a portion of the 1953 recodification of the Utah Code as it existed:
- (a) on the day on which the 1953 recodification of the Utah Code was enacted; or
 - (b)
 - (i) after the day described in Subsection (35)(a); and

- (ii) before the most recent amendment to the referenced portion of the 1953 recodification of the Utah Code.
- (36) "Vessel," when used with reference to shipping, includes a steamboat, canal boat, and every structure adapted to be navigated from place to place.
- (37)
 - (a) "Veteran" means an individual who:
 - (i) has served in the United States Armed Forces for at least 180 days:
 - (A) on active duty; or
 - (B) in a reserve component, to include the National Guard; or
 - (ii) has incurred an actual service-related injury or disability while in the United States Armed Forces regardless of whether the individual completed 180 days; and
 - (iii) was separated or retired under conditions characterized as honorable or general.
 - (b) This definition is not intended to confer eligibility for benefits.
- (38) "Will" includes a codicil.
- (39) "Writ" means an order or precept in writing, issued in the name of:
 - (a) the state;
 - (b) a court; or
 - (c) a judicial officer.
- (40) "Writing" includes:
 - (a) printing;
 - (b) handwriting; and
 - (c) information stored in an electronic or other medium if the information is retrievable in a perceivable format.