

1 **STATE PARK NAME PROTECTION AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lee B. Perry**

5 Senate Sponsor: David P. Hinkins

6

7 **LONG TITLE**

8 **General Description:**

9 This bill deals with the protection of the names of state parks.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits an individual or entity from using a commercial name that is substantially
13 similar to the name of a state park **→ and highly likely to mislead the public ←** ; and

14 ▶ states that the Division of Parks and Recreation shall, at a minimum, include in a
15 contract for a concessionaire a prohibition on the concessionaire using a commercial
16 name that is substantially similar to the name of a state park without the express
17 permission of the division.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **79-4-204**, as renumbered and amended by Laws of Utah 2009, Chapter 344

25 ENACTS:

26 **79-4-103**, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **79-4-103** is enacted to read:

30 **79-4-103. State park name protection.**

31 No individual or entity may, without the express permission of the division, use a
32 commercial name that is:

33 (1) substantially similar to the name of a state park; and

34 (2) ~~H~~→ **highly** ←~~H~~ likely to lead the public to believe that the commercial establishment is
34a formally

35 associated with a state park ~~H~~→ **as an official concessionaire** ←~~H~~ .

36 Section 2. Section **79-4-204** is amended to read:

37 **79-4-204. Division authorized to enter into contracts and agreements.**

38 (1) The division, with the approval of the executive director and the governor, may
39 enter into contracts and agreements with the United States, a United States agency, any other
40 department or agency of the state, semipublic organizations, and with private individuals to:

41 (a) improve and maintain state parks and recreational grounds and the areas
42 administered by the division; and

43 (b) secure labor, quarters, materials, services, or facilities according to procedures
44 established by the Division of Finance.

45 (2) All departments, agencies, officers, and employees of the state shall give to the
46 division the consultation and assistance that the division may reasonably request.

47 (3) The division shall, at a minimum, include in a contract for a concessionaire a
48 prohibition on the concessionaire using a commercial name that is substantially similar to the
49 name of a state park without the express permission of the division.

Legislative Review Note
Office of Legislative Research and General Counsel