

FOOD TRUCK LICENSING AND REGULATION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Kim F. Coleman

LONG TITLE

General Description:

This bill enacts the Food Truck Licensing and Regulation Act to address local regulation of food trucks.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prevents a political subdivision from requiring multiple business licenses, permits, or fees for a food truck to operate in more than one location within the political subdivision;
- ▶ requires a political subdivision to grant a business license to a food truck operator who presents certain safety certificates and a business license from another political subdivision;
- ▶ requires that fees for business licensing not generate revenue but only reimburse the political subdivision for the cost of regulation;
- ▶ requires a political subdivision conducting a fire safety inspection of a food truck to ensure compliance with certain standards set by the Utah State Fire Marshal;
- ▶ requires reciprocity between county health departments and political subdivisions regarding health and fire safety inspection certificates;
- ▶ establishes when a business license or event permit is required for a food truck event; and



28 ▶ prevents a political subdivision from imposing certain requirements or prohibitions
29 on the operation of a food truck.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a coordination clause.

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **11-55-101**, Utah Code Annotated 1953

37 **11-55-102**, Utah Code Annotated 1953

38 **11-55-103**, Utah Code Annotated 1953

39 **11-55-104**, Utah Code Annotated 1953

40 **11-55-105**, Utah Code Annotated 1953

41 **11-55-106**, Utah Code Annotated 1953

42 **Utah Code Sections Affected by Coordination Clause:**

43 **11-55-103**, Utah Code Annotated 1953



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

46 Section 1. Section **11-55-101** is enacted to read:

47 **CHAPTER 55. FOOD TRUCK LICENSING AND REGULATION ACT**

48 **11-55-101. Title.**

49 This chapter is known as the "Food Truck Licensing and Regulation Act."

50 Section 2. Section **11-55-102** is enacted to read:

51 **11-55-102. Definitions.**

52 As used in this chapter:

53 (1) "Event permit" means a permit that a political subdivision issues to the organizer of
54 a public food truck event located on public property.

55 (2) "Food cart" means a cart:

56 (a) that is not motorized; and

57 (b) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve
58 food or beverages for immediate human consumption.

- 59 (3) (a) "Food truck" means a fully encased food service establishment:
60 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
61 (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares,
62 cooks, sells, or serves food or beverages for immediate human consumption.
63 (b) "Food truck" does not include a food cart.
64 (4) "Food truck event" means an event where an individual has ordered or
65 commissioned the operation of a food truck at a private or public gathering.
66 (5) "Food truck operator" means a person who owns, manages, or controls, or who has
67 the duty to manage or control, the operation of a food truck.
68 (6) "Food truck vendor" means a person who sells, cooks, or serves food or beverages
69 from a food truck.
70 (7) "Political subdivision" means:
71 (a) a city, town, or metro township; or
72 (b) a county, as it relates to the licensing and regulation of businesses in the
73 unincorporated area of the county.
74 (8) (a) "Temporary mass gathering" means:
75 (i) an actual or reasonably anticipated assembly of 500 or more people that continues,
76 or reasonably can be expected to continue, for two or more hours per day; or
77 (ii) an event that requires a more extensive review to protect public health and safety
78 because the event's nature or conditions have the potential of generating environmental or
79 health risks.
80 (b) "Temporary mass gathering" does not include an assembly of people at a location
81 with permanent facilities designed for that specific assembly, unless the assembly is a
82 temporary mass gathering described in Subsection (8)(a)(ii).
83 Section 3. Section **11-55-103** is enacted to read:
84 **11-55-103. Licensing -- Reciprocity -- Fees.**
85 (1) A political subdivision may not:
86 (a) require a separate license or fee beyond the initial business license and fee for the
87 operation of a food truck in more than one location or on more than one day within the political
88 subdivision; or
89 (b) as a business license qualification, require a food truck operator or food truck

90 vendor to submit to or offer proof of a criminal background check.

91 (2) (a) A political subdivision shall grant a business license to operate a food truck
92 within the political subdivision to a food truck operator who has obtained a business license to
93 operate a food truck in another political subdivision within the state if the food truck operator
94 presents to the political subdivision:

95 (i) a current business license from the other political subdivision within the state;

96 (ii) a current certificate showing that the food truck has passed an inspection that a
97 county health department within the state conducted; and

98 (iii) a current certificate showing that the food truck has passed a fire safety inspection
99 that a political subdivision within the state conducted in accordance with Subsection

100 [11-55-104\(2\)\(a\)](#).

101 (b) If a food truck operator presents the documents described in Subsection (2)(a), the
102 political subdivision may not:

103 (i) impose additional license qualification requirements on the food truck operator
104 before issuing a license to operate within the political subdivision, except for charging a fee in
105 accordance with Subsection (3); or

106 (ii) issue a license that expires on a date earlier or later than the day on which the
107 license described in Subsection (2)(a)(i) expires.

108 (c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the
109 political subdivision's land use regulations, zoning, and other ordinances in relation to the
110 operation of a food truck.

111 (3) (a) Notwithstanding Subsections [10-1-203\(2\)](#) and [17-53-216\(2\)](#), a political
112 subdivision may only charge a licensing fee to a food truck operator in an amount that
113 reimburses the political subdivision for the cost of regulating the food truck.

114 (b) For a business license that a political subdivision issues in accordance with
115 Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to
116 an amount that accounts for the lower administrative burden on the political subdivision.

117 (4) Nothing in this section prevents a political subdivision from requiring a food truck
118 operator to obtain an event permit, in accordance with Section [11-55-105](#).

119 Section 4. Section **11-55-104** is enacted to read:

120 **11-55-104. Safety inspections -- Reciprocity.**

121 (1) (a) A county health department shall consider valid within the county health
122 department's jurisdiction a certificate from another county health department within the state
123 that shows that the food truck passed an inspection that the other county health department
124 conducted.

125 (b) A county health department may not require that a food truck pass a county health
126 department inspection in a given calendar year if the food truck operator presents to the county
127 health department a certificate described in Subsection (1)(a) issued during the same calendar
128 year.

129 (2) (a) A political subdivision inspecting a food truck for fire safety shall conduct the
130 inspection based on reasonable standards in the fire safety check list for food trucks that the
131 Utah State Fire Marshal publishes on the Department of Public Safety's website.

132 (b) (i) A political subdivision shall consider valid within the political subdivision's
133 jurisdiction a certificate from another political subdivision within the state that shows that the
134 food truck passed a fire safety inspection that the other political subdivision conducted.

135 (ii) A political subdivision may not require that a food truck pass a fire safety
136 inspection in a given calendar year if the food truck operator presents to the political
137 subdivision a certificate described in Subsection (2)(b)(i) issued during the same calendar year.

138 Section 5. Section **11-55-105** is enacted to read:

139 **11-55-105. Food truck events.**

140 (1) Subject to Subsection (4), a political subdivision may not require a food truck
141 operator to obtain from the political subdivision an event permit to operate a food truck at a
142 food truck event that takes place on private property within the political subdivision, regardless
143 of whether the event is open or closed to the public.

144 (2) If the food truck operator has a business license from any political subdivision
145 within the state, a political subdivision may not require a food truck operator to obtain from the
146 political subdivision an additional business license to operate a food truck at a food truck event
147 that:

148 (a) takes place on private property within the political subdivision; and

149 (b) is not open to the public.

150 (3) If a political subdivision requires an event permit for a food truck event, the
151 organizer of the food truck event may obtain the event permit on behalf of the food trucks that

152 service the event.

153 (4) Nothing in this section prohibits a county health department from requiring a
154 permit for a temporary mass gathering.

155 Section 6. Section **11-55-106** is enacted to read:

156 **11-55-106. Food truck operation.**

157 A political subdivision may not prohibit the operation of a food truck within a given
158 distance of a restaurant.

159 Section 7. **Coordinating S.B. 250 with S.B. 81 -- Technical and substantive**
160 **amendments.**

161 If this S.B. 250 and S.B. 81, Local Government Licensing Amendments, both pass and
162 become law, it is the intent of the Legislature that the Office of Legislative Research and
163 General Counsel shall prepare the Utah Code database for publication by modifying Subsection
164 11-55-103(3) to read:

165 "(3) (a) A political subdivision may only charge a licensing fee to a food truck operator
166 in an amount that reimburses the political subdivision for the cost of regulating the food truck.

167 (b) For a business license that a political subdivision issues in accordance with
168 Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to
169 an amount that accounts for the lower administrative burden on the political subdivision."

Legislative Review Note
Office of Legislative Research and General Counsel