

**MISDEMEANOR AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**Committee Note:**

The Political Subdivisions Interim Committee recommended this bill.

**General Description:**

This bill modifies penalties in the Utah Code.

**Highlighted Provisions:**

This bill:

- ▶ reduces to an infraction certain offenses currently designated as misdemeanors for which a punishment or classification is not specified; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**9-7-214**, as renumbered and amended by Laws of Utah 1992, Chapter 241

**9-9-211**, as renumbered and amended by Laws of Utah 1992, Chapter 241

**10-3-908**, as enacted by Laws of Utah 1977, Chapter 48

**11-1-6**, Utah Code Annotated 1953

**11-6-3**, Utah Code Annotated 1953



28 **13-10-6**, as last amended by Laws of Utah 1995, Chapter 325  
29 **17-30-22**, as last amended by Laws of Utah 2011, Chapter 297  
30 **23-15-4**, as enacted by Laws of Utah 1971, Chapter 46  
31 **23-20-27**, as enacted by Laws of Utah 1973, Chapter 33  
32 **30-1-11**, Utah Code Annotated 1953  
33 **30-1-39**, as enacted by Laws of Utah 1971, Chapter 64  
34 **34-19-12**, as enacted by Laws of Utah 1969, Chapter 85  
35 **34-28-4**, as enacted by Laws of Utah 1969, Chapter 85  
36 **34-28-12**, as enacted by Laws of Utah 1969, Chapter 85  
37 **34-29-1**, as last amended by Laws of Utah 2011, Chapter 297  
38 **34-29-6**, as last amended by Laws of Utah 1988, Chapter 133  
39 **34-29-20**, as enacted by Laws of Utah 1969, Chapter 85  
40 **34-30-9**, as enacted by Laws of Utah 1969, Chapter 85  
41 **34-32-3**, as enacted by Laws of Utah 1969, Chapter 85  
42 **34-33-2**, as enacted by Laws of Utah 1969, Chapter 85  
43 **34-34-17**, as enacted by Laws of Utah 1969, Chapter 85  
44 **34A-2-108**, as renumbered and amended by Laws of Utah 1997, Chapter 375  
45 **34A-2-803**, as renumbered and amended by Laws of Utah 1997, Chapter 375  
46 **39-1-53**, as last amended by Laws of Utah 1963, Chapter 61  
47 **39-7-113**, as last amended by Laws of Utah 2008, Chapter 122  
48 **39-7-114**, as enacted by Laws of Utah 1997, Chapter 306  
49 **39-7-115**, as enacted by Laws of Utah 1997, Chapter 306  
50 **39-7-117**, as enacted by Laws of Utah 1997, Chapter 306  
51 **42-3-5**, Utah Code Annotated 1953  
52 **52-3-3**, as last amended by Laws of Utah 1953, Chapter 79  
53 **53A-14-106**, as last amended by Laws of Utah 2001, Chapter 84  
54 **53B-3-108**, as enacted by Laws of Utah 1987, Chapter 167  
55 **53B-17-304**, as enacted by Laws of Utah 1987, Chapter 167  
56 **54-3-21**, Utah Code Annotated 1953  
57 **54-5-4**, Utah Code Annotated 1953  
58 **56-1-12**, Utah Code Annotated 1953

- 59 [56-1-14](#), as last amended by Laws of Utah 1975, First Special Session, Chapter 9
- 60 [56-1-16](#), Utah Code Annotated 1953
- 61 [56-1-29](#), as enacted by Laws of Utah 1961, Chapter 131
- 62 [63A-5-502](#), as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63 [71-10-3](#), as last amended by Laws of Utah 1993, Chapter 133
- 64 [72-10-412](#), as renumbered and amended by Laws of Utah 1998, Chapter 270
- 65 [78A-2-411](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 66 [78A-6-111](#), as last amended by Laws of Utah 2017, Chapter 330
- 67 [78B-1-126](#), as renumbered and amended by Laws of Utah 2008, Chapter 3

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

70 Section 1. Section [9-7-214](#) is amended to read:

71 **9-7-214. Intentionally defacing, injuring, destroying, or refusing to return**  
 72 **property -- Infraction.**

73 Whoever intentionally defaces, injures, or refuses to return on demand, or destroys any  
 74 property belonging to the state library or loaned through its coordinating agencies or facilities,  
 75 [~~shall be~~] is guilty of [a misdemeanor] an infraction.

76 Section 2. Section [9-9-211](#) is amended to read:

77 **9-9-211. Hunting, trapping, or fishing on reservation an infraction.**

78 Any person who, without lawful authority or permission from constituted tribal  
 79 authorities, willfully and knowingly goes upon any real property within an Indian reservation  
 80 belonging to any Indian, or any Indian tribe, band, or community, that is held in trust by the  
 81 United States or is subject to a restriction against alienation imposed by the United States, for  
 82 the purpose of hunting, trapping, or fishing thereon, or for the removal of game, peltries, or fish  
 83 therefrom, is guilty of [~~a misdemeanor~~] an infraction, and all game, fish, and peltries in [~~his~~]  
 84 the person's possession shall be forfeited to the tribe.

85 Section 3. Section [10-3-908](#) is amended to read:

86 **10-3-908. Noncompliance an infraction.**

87 Any city engineer who fails to comply with Sections [10-3-903](#) through [10-3-907](#) is  
 88 guilty of [~~a misdemeanor~~] an infraction.

89 Section 4. Section [11-1-6](#) is amended to read:

90 **11-1-6. Violation of act an infraction.**

91 Anyone violating the provisions of this act [~~shall be~~] is guilty of [a misdemeanor] an  
92 infraction.

93 Section 5. Section **11-6-3** is amended to read:

94 **11-6-3. Violation an infraction.**

95 A violation of any of the provisions of this chapter is [~~a misdemeanor~~] an infraction.

96 Section 6. Section **13-10-6** is amended to read:

97 **13-10-6. Violation an infraction.**

98 Each violation of Section **13-10-4** is [~~a misdemeanor~~] an infraction.

99 Section 7. Section **17-30-22** is amended to read:

100 **17-30-22. Prohibitions against political activities -- Penalties.**

101 (1) Any employee of a governmental unit or member of a governing body, or  
102 appointing authority, or peace officer who shall appoint, promote, transfer, demote, suspend,  
103 discharge or change the amount of compensation of any merit system officer or seek, aid or  
104 abet the appointment, promotion, transfer, demotion, suspension, discharge or change in the  
105 amount of compensation of any merit system officer, or promise or threaten to do so, for  
106 giving, withholding, or neglecting to make any contributions or any service for any political  
107 purpose, or who solicits, directly or indirectly, any such contribution or service, from a merit  
108 system officer, [~~shall be~~] is guilty of [a misdemeanor] an infraction. This section does not  
109 apply to political speeches or use of mass communications media for political purposes by  
110 persons not merit system officers even though merit system officers may be present or within  
111 the reach of such media unless the purpose and intent is to violate this section with direct  
112 respect to those officers.

113 (2) No merit system officer may engage in any political activity during the hours of  
114 employment, nor shall any person solicit political contributions from merit system officers  
115 during hours of employment for political purposes; but nothing in this section shall preclude  
116 voluntary contributions by a merit system officer to the party or candidate of the officer's  
117 choice.

118 Section 8. Section **23-15-4** is amended to read:

119 **23-15-4. Screens or other devices required -- Failure to install after notice an**  
120 **infraction.**

121 It is unlawful for any person, company or corporation to take any water from the state  
122 streams, lakes or reservoirs for power purposes, or for waterworks, without first furnishing and  
123 maintaining suitable screens or other devices to prevent fish from entering such power plants,  
124 millraces or waterworks system; said screen or other devices to be built and maintained under  
125 the direction of the board and at the expense of said owner or operators. The failure of any  
126 person, firm or corporation to install a screen or device within 30 days after notice in writing so  
127 to do has been given by the board [~~shall constitute a misdemeanor~~] is an infraction.

128 Section 9. Section **23-20-27** is amended to read:

129 **23-20-27. Alteration of license, permit, tag or certificate an infraction.**

130 Any person who at any time alters or changes in any manner, with intent to defraud, any  
131 license, permit, tag or certificate of registration issued under provisions of this code or action of  
132 the Wildlife Board is guilty of [~~a misdemeanor~~] an infraction.

133 Section 10. Section **30-1-11** is amended to read:

134 **30-1-11. Return of license after ceremony -- Failure -- Penalty.**

135 (1) The [~~person~~] individual solemnizing the marriage shall within 30 days thereafter  
136 return the license to the clerk of the county whence it issued, with a certificate of the marriage  
137 over [~~his~~] the individual's signature, giving the date and place of celebration and the names of  
138 two or more witnesses present at the marriage. [~~For failure~~]

139 (2) An individual described in Subsection (1) who fails to make [such] the return [he  
140 shall be] is guilty of [~~a misdemeanor~~] an infraction.

141 Section 11. Section **30-1-39** is amended to read:

142 **30-1-39. Violation of counseling provisions -- Infraction.**

143 [~~Any person~~] An individual coming within the provisions of this act who falsely  
144 represents that [~~he~~] the individual has complied with the requirements of a master plan for  
145 premarital counseling or who, for the purpose of evading the provisions of this act, applies for  
146 a marriage license in a county within the state of Utah which does not require premarital  
147 counseling, is guilty of [~~a misdemeanor~~] an infraction.

148 Section 12. Section **34-19-12** is amended to read:

149 **34-19-12. Deputizing of employees prohibited.**

150 (1) No employee of any employer whose employees are on strike or lockout for any  
151 reason shall be deputized for any purpose arising from or in connection with such strike by any

152 sheriff, chief of police, town marshal, officer of the highway patrol, or any other peace officer  
153 during the time such strike or lockout exists.

154 (2) Any person who violates the provisions of this section [~~shall be~~] is guilty of [~~a~~  
155 ~~misdemeanor~~] an infraction.

156 Section 13. Section **34-28-4** is amended to read:

157 **34-28-4. Notice of paydays -- Failure to notify an infraction.**

158 (1) It shall be the duty of every employer to notify [~~his~~] the employer's employees at the  
159 time of hiring of the day and place of payment, of the rate of pay, and of any change with  
160 respect to any of these items prior to the time of the change. Alternatively, however, every  
161 employer shall have the option of giving such notification by posting these facts and keeping  
162 them posted conspicuously at or near the place of work where such posted notice can be seen  
163 by each employee as [~~he~~] the employee comes or goes to [~~his~~] the employee's place of work.

164 (2) Failure to post and to keep posted any notice or failure to give notice as prescribed  
165 in this section [~~shall be deemed a misdemeanor and punishable as such~~] is an infraction.

166 Section 14. Section **34-28-12** is amended to read:

167 **34-28-12. Violations -- Infraction.**

168 (1) Any employer who [~~shall violate, or fail~~] violates or fails to comply with any of the  
169 provisions of this chapter [~~shall be~~] is guilty of [~~a misdemeanor~~] an infraction.

170 (2) Any employer who shall refuse to pay the wages due and payable when demanded  
171 as in this chapter provided, or who shall falsely deny the amount thereof, or that the same is  
172 due, with intent to secure for [~~himself~~] the employer or any other person any discount upon  
173 such indebtedness or with intent to annoy, harass, oppress, hinder, delay or defraud the person  
174 to whom such indebtedness is due, or who hires additional employees without advising each of  
175 them of every wage claim due and unpaid and of every judgment that the employer has failed  
176 to satisfy, [~~shall be~~] is guilty of [~~a misdemeanor~~] an infraction.

177 Section 15. Section **34-29-1** is amended to read:

178 **34-29-1. License required -- Agencies for teachers excepted.**

179 It [~~shall be~~] is unlawful for any person to open and establish in any city or town, or  
180 elsewhere within the limits of this state, any intelligence or employment office for the purpose  
181 of procuring or obtaining for money or other valuable consideration, either directly or  
182 indirectly, any work or employment for persons seeking the same, or to otherwise engage in

183 such business, or in any way to act as a broker or go-between between employers and persons  
184 seeking work, without first having obtained a license so to do from the city, town, or, if not  
185 within any city or town, from the county where such intelligence or employment office is to be  
186 opened or such business is to be carried on. Any person performing any of these services shall  
187 be deemed to be an employment agent within the meaning of this chapter, but the provisions of  
188 Section 34-29-10 do not apply to any person operating agencies for schoolteachers; but it [~~shall~~  
189 ~~be a misdemeanor~~] is an infraction for any schoolteachers' employment agency to receive as  
190 commission for information or assistance such as is described herein any consideration in value  
191 in excess of 5% of the amount of the first year's salary of the person to whom such information  
192 is furnished.

193 Section 16. Section 34-29-6 is amended to read:

194 **34-29-6. Referring employment to unlawful places -- Penalty.**

195 Any employment agent who knowingly refers employment to any place of bad repute,  
196 house of ill fame, assignation house, or to any house or place of amusement kept for immoral  
197 purposes, is guilty of [~~a misdemeanor~~] an infraction. In addition to any other penalty, the  
198 agent's license shall be revoked.

199 Section 17. Section 34-29-20 is amended to read:

200 **34-29-20. False orders for employees -- Infraction.**

201 Any person who gives to an employment agent any false or unauthorized order for  
202 employees, or who causes to be published in any newspaper or otherwise any false or  
203 unauthorized notice or statement that employees are wanted by any person, is guilty of [~~a~~  
204 ~~misdemeanor~~] an infraction.

205 Section 18. Section 34-30-9 is amended to read:

206 **34-30-9. Violation of chapter -- Failure to keep or produce records -- Infraction.**

207 Any officer, agent or representative of the state, or of any political subdivision, district  
208 or municipality of it who shall violate, or omit to comply with any of the provisions of this  
209 chapter, and any contractor or subcontractor, or agent or representative thereof, doing such  
210 public work, who shall neglect to keep, or cause to be kept, an accurate record of the names,  
211 occupation and actual wages paid to each laborer, workman and mechanic employed by him or  
212 her, in connection with this public work or who shall refuse to allow access to same at any  
213 reasonable hour to any person authorized to inspect same under this chapter [~~shall be~~] is guilty

214 of [~~a misdemeanor~~] an infraction.

215 Section 19. Section 34-32-3 is amended to read:

216 **34-32-3. Failure to comply -- Penalty.**

217 Any employer, dealer or processor who willfully fails to comply with the duties  
218 imposed by this chapter [~~shall be~~] is guilty of [~~a misdemeanor~~] an infraction.

219 Section 20. Section 34-33-2 is amended to read:

220 **34-33-2. Violation an infraction.**

221 Any person, firm, corporation or partnership violating the provisions of this chapter  
222 [~~shall be~~] is guilty of [~~a misdemeanor~~] an infraction.

223 Section 21. Section 34-34-17 is amended to read:

224 **34-34-17. Violation of act an infraction.**

225 A violation of this act [~~shall constitute a misdemeanor~~] is an infraction, and each day  
226 such unlawful conduct, as defined in this chapter, is in effect or continued [~~shall be deemed~~] is  
227 a separate offense and [~~shall be~~] is punishable as such, as provided in this chapter.

228 Section 22. Section 34A-2-108 is amended to read:

229 **34A-2-108. Void agreements between employers and employees.**

230 (1) Except as provided in Section 34A-2-420, an agreement by an employee to waive  
231 the employee's rights to compensation under this chapter or Chapter 3, Utah Occupational  
232 Disease Act, is not valid.

233 (2) An agreement by an employee to pay any portion of the premium paid by [~~his~~] the  
234 employee's employer is not valid.

235 (3) Any employer who deducts any portion of the premium from the wages or salary of  
236 any employee entitled to the benefits of this chapter or Chapter 3, Utah Occupational Disease  
237 Act:

- 238 (a) is guilty of [~~a misdemeanor~~] an infraction; and
- 239 (b) shall be fined not more than \$100 for each such offense.

240 Section 23. Section 34A-2-803 is amended to read:

241 **34A-2-803. Violation of judgments, orders, decrees, or provisions of chapter --**  
242 **Grade of offense.**

243 (1) An employer, employee, or other person is guilty of [~~a misdemeanor~~] an infraction  
244 if that employer, employee, or other person violates this chapter or Chapter 3, Utah



245 Occupational Disease Act, including:

246 (a) doing any act prohibited by this chapter or Chapter 3, Utah Occupational Disease  
247 Act;

248 (b) failing or refusing to perform any duty lawfully imposed under this chapter or  
249 Chapter 3, Utah Occupational Disease Act; or

250 (c) failing, neglecting, or refusing to obey any lawful order given or made by the  
251 commission, or any judgment or decree made by any court in connection with the provisions of  
252 this chapter or Chapter 3, Utah Occupational Disease Act.

253 (2) Every day during which any person fails to observe and comply with any order of  
254 the commission, or to perform any duty imposed by this chapter or Chapter 3, Utah  
255 Occupational Disease Act, [~~shall constitute~~] is a separate and distinct offense.

256 Section 24. Section **39-1-53** is amended to read:

257 **39-1-53. Military units not to leave state.**

258 No military unit of the Army or Air National Guard, unless called into the service of the  
259 United States, shall leave the state with arms and equipment without the consent of the  
260 commander in chief, and any person causing any unit to so leave the state is guilty of [~~a~~  
261 ~~misdemeanor~~] an infraction.

262 Section 25. Section **39-7-113** is amended to read:

263 **39-7-113. Eviction or distress of dependents.**

264 (1) A landlord may not evict or take and hold property of a service member or the  
265 service member's dependents for nonpayment of rent during the period of military service if the  
266 rent on the premises occupied by the service member or the service member's dependents is  
267 less than \$2,400 per month unless a court allows it after application to the court and an order  
268 granted in an action or proceeding affecting the right of possession.

269 (2) In any action affecting the right of possession, the court may, on its own motion,  
270 stay the proceedings for not longer than three months, or make any order the court determines  
271 to be reasonable and just under the circumstances, unless the court finds that the ability of the  
272 tenant to pay the agreed rent is not materially affected by reason of the service member's  
273 military service.

274 (3) When a stay is granted or other order is made by the court, the owner of the  
275 premises shall be entitled, upon application, to relief with respect to the premises similar to that

276 granted service members in military service in Sections 39-7-114 through 39-7-116 to the  
277 extent and for any period as the court determines to be just and reasonable under the  
278 circumstances.

279 (4) Any person who knowingly takes part in any eviction or distress otherwise than as  
280 provided in Subsection (1), or attempts to do so, is guilty of [~~a misdemeanor~~] an infraction.

281 (5) The governor is empowered to order an allotment of the pay of a service member in  
282 military service in reasonable proportion to discharge the rent of premises occupied for  
283 dwelling purposes by any dependents of the service member.

284 Section 26. Section 39-7-114 is amended to read:

285 **39-7-114. Installment contracts.**

286 (1) The creditor of a service member who, prior to entry into military service, has  
287 entered into an installment contract for the purchase of real or personal property may not  
288 terminate the contract or repossess the property for nonpayment or any breach occurring during  
289 military service without an order from a court of competent jurisdiction.

290 (2) The court, upon application to it under this section, may, unless the court finds on  
291 the record that the ability of the service member to comply with the terms of the contract is not  
292 materially affected by reason of [~~his~~] the service member's military service:

293 (a) order repayment of any prior installments or deposits as a condition of terminating  
294 the contract and resuming possession of the property;

295 (b) order a stay of the proceedings on its own motion, or on motion by the service  
296 member or another person on [~~his~~] the service member's behalf; or

297 (c) make any other disposition of the case it considers to be equitable to conserve the  
298 interests of all parties.

299 (3) Any person who knowingly repossesses property which is the subject of this section  
300 other than as provided in Subsection (1) is guilty of [~~a misdemeanor~~] an infraction.

301 Section 27. Section 39-7-115 is amended to read:

302 **39-7-115. Mortgage foreclosures.**

303 (1) The creditor of a service member who, prior to entry into military service, has  
304 entered into a mortgage contract with the service member or [~~his~~] the service member's  
305 dependent for the purchase of real or personal property may not foreclose on the mortgage or  
306 repossess the property for nonpayment or any breach occurring during military service without

307 an order from a court of competent jurisdiction.

308 (2) The court, upon application to it under this section, may, unless the court finds on  
309 the record that the ability of the service member to comply with the terms of the mortgage is  
310 not materially affected by reason of ~~[his]~~ the service member's military service:

311 (a) order repayment of any prior installments or deposits as a condition of terminating  
312 the contract and resuming possession of the property;

313 (b) order a stay of the proceedings on its own motion, or on motion by the service  
314 member or another person on ~~[his]~~ the service member's behalf; or

315 (c) make any other disposition of the case as it considers to be equitable to conserve the  
316 interests of all parties.

317 (3) In order to come within the provisions of this section, the service member or  
318 dependent shall establish the following:

319 (a) that relief is sought on an obligation secured by a mortgage, trust deed, or other  
320 security in the nature of a mortgage on either real or personal property;

321 (b) that the obligation originated prior to the service member's entry into military  
322 service;

323 (c) that the property was owned by the service member or ~~[his]~~ the service member's  
324 dependent prior to the commencement of military service; and

325 (d) that the property is still owned by the service member or ~~[his]~~ the service member's  
326 dependent at the time relief is sought.

327 (4) Any person who knowingly forecloses on property which is the subject of this  
328 section other than as provided in Subsection (1) is guilty of ~~[a misdemeanor]~~ an infraction.

329 Section 28. Section **39-7-117** is amended to read:

330 **39-7-117. Storage liens.**

331 (1) A person may not exercise any right to foreclose or enforce any lien for storage of  
332 household goods, furniture, or personal effects of a service member in military service during  
333 the service member's period of military service and for 60 days after termination or discharge,  
334 except upon an order previously granted by a court upon application and a return to the court  
335 made and approved by the court. In the proceeding the court may, after hearing the matter, on  
336 its own motion, and shall, on application to it by the service member in military service or  
337 another person on ~~[his]~~ the service member's behalf, unless in the opinion of the court the

338 ability of the service member to pay the storage charges due is not materially affected by reason  
339 of ~~his~~ the service member's military service:

340 (a) stay the proceedings as provided in this chapter; or

341 (b) make any other disposition the court considers to be equitable to conserve the  
342 interest of all the parties.

343 (2) The enactment of the provisions of this section may not be construed in any way as  
344 affecting or limiting the scope of Section 39-7-115.

345 (3) Any person who knowingly takes any action contrary to the provisions of this  
346 section, or attempts to do so, is guilty of ~~a misdemeanor~~ an infraction.

347 Section 29. Section 42-3-5 is amended to read:

348 **42-3-5. Use of name by another -- Penalty.**

349 It is ~~a misdemeanor~~ an infraction for any person other than the person in whose name  
350 a farm is registered to use such registered name for any other farm.

351 Section 30. Section 52-3-3 is amended to read:

352 **52-3-3. Penalty.**

353 Any person violating any of the provisions of this chapter is guilty of ~~a misdemeanor~~  
354 an infraction.

355 Section 31. Section 53A-14-106 is amended to read:

356 **53A-14-106. Illegal acts -- Infraction.**

357 It is ~~a misdemeanor~~ an infraction for a member of the commission or the board to  
358 receive money or other remuneration as an inducement for the recommendation or introduction  
359 of instructional materials into the schools.

360 Section 32. Section 53B-3-108 is amended to read:

361 **53B-3-108. Violation of chapter an infraction.**

362 A violation of this chapter is ~~a misdemeanor~~ an infraction.

363 Section 33. Section 53B-17-304 is amended to read:

364 **53B-17-304. Failure to comply with chapter is an infraction.**

365 A person who commits the following violations is guilty of ~~a misdemeanor~~ an  
366 infraction:

367 (1) failure or neglect to give notice required under Subsection 53B-17-301(1); or

368 (2) failure or neglect to forward a body upon request under Subsection 53B-17-301(3).

369 Section 34. Section **54-3-21** is amended to read:

370 **54-3-21. Commission to be furnished information and copies of records --**

371 **Hearings before commission to be public -- Privilege.**

372 (1) Every public utility shall furnish to the commission in such form and such detail as  
373 the commission shall prescribe all tabulations and computations and all other information  
374 required by it to carry into effect any of the provisions of this title, and shall make specific  
375 answers to all questions submitted by the commission.

376 (2) Every public utility receiving from the commission any blanks with directions to  
377 fill the same shall cause the same to be properly filled so as to answer fully and correctly each  
378 question propounded therein; in case it is unable to answer any question, it shall give a good  
379 and sufficient reason for such failure.

380 (3) Whenever required by the commission every public utility shall deliver to the  
381 commission copies of any or all maps, profiles, contracts, agreements, franchises, reports,  
382 books, accounts, papers and records in its possession or in any way relating to its property or  
383 affecting its business, and also a complete inventory of all its property in such form as the  
384 commission may direct.

385 (4) Hearings or proceedings of the commission or of any commissioner shall be open  
386 to the public, and all records of all hearings or proceedings or orders, rules or investigations by  
387 the commission or any commissioner shall be at all times open to the public; provided, that any  
388 information furnished the commission by a public utility or by any officer, agent or employee  
389 of any public utility may be withheld from the public whenever and during such time as the  
390 commission may determine that it is for the best interests of the public to withhold such  
391 information. Any officer or employee of the commission who in violation of the provisions of  
392 this subsection divulges any such information is guilty of ~~[a misdemeanor]~~ an infraction.

393 Section 35. Section **54-5-4** is amended to read:

394 **54-5-4. Penalties.**

395 Any person or corporation which exercises or attempts to exercise any right or privilege  
396 as any such utility during the period for which the operating rights of any such utility are  
397 suspended as provided in Section **54-5-3** is guilty of ~~[a misdemeanor]~~ an infraction. Each day's  
398 violation shall constitute a separate offense. Jurisdiction of such offense shall be held to be in  
399 any county in which any part of such transaction of business occurred. Every contract made in

400 violation of this section is unenforceable by such corporation or person.

401 Section 36. Section **56-1-12** is amended to read:

402 **56-1-12. Injury to livestock -- Notice.**

403 Every person operating a railroad within this state that injures or kills any livestock of  
404 any description by the running of any engine or engines, car or cars, over or against any such  
405 livestock shall within three days thereafter post at the first railroad station in each direction  
406 from the place of such injury or killing in some conspicuous place on the outside of such  
407 station a notice in writing of the number and kind of animals so injured or killed, with a full  
408 description of each, and the time and place as near as may be of such injury or killing. Such  
409 notice shall be dated and signed by some officer or agent of such railroad, and a duplicate  
410 thereof shall be filed with the county clerk of the county in which stock is so injured or killed.  
411 Every person willfully failing, neglecting or refusing to comply with the provisions of this  
412 section is guilty of [~~a misdemeanor~~] an infraction and shall be fined in any sum not exceeding  
413 \$50.

414 Section 37. Section **56-1-14** is amended to read:

415 **56-1-14. Procedures at grade crossings.**

416 Every locomotive shall be provided with a bell which shall be rung continuously from a  
417 point not less than 80 rods from any city or town street or public highway grade crossing until  
418 such city or town street or public highway grade crossing shall be crossed, but, except in towns  
419 and at terminal points, the sounding of the locomotive whistle or siren at least one-fourth of a  
420 mile before reaching any such grade crossing shall be deemed equivalent to ringing the bell as  
421 aforesaid; during the prevalence of fogs, snow and dust storms, the locomotive whistle shall be  
422 sounded before each street crossing while passing through cities and towns. All locomotives  
423 with or without trains before crossing the main track at grade of any other railroad must come  
424 to a full stop at a distance not exceeding 400 feet from the crossing, and must not proceed until  
425 the way is known to be clear; two blasts of the whistle or two sounds of the siren shall be  
426 sounded at the moment of starting; provided, that whenever interlocking signal apparatus and  
427 derailing switches or any other crossing protective device approved by the Department of  
428 Transportation is adopted such stop shall not be required.

429 Provided, that local authorities in their respective jurisdiction may by ordinance  
430 approved by the Department of Transportation provide more restricted sounding of bells or

431 whistles or sirens than is provided herein and may prescribe points different from those herein  
432 set forth at which such signals shall be given and may further restrict such ringing of bells or  
433 sounding of whistles or sirens so as to provide for either the ringing of a bell or the sounding of  
434 a whistle or of a siren or the elimination of the sounding of such bells or whistles or sirens or  
435 either of them, except in case of emergency.

436 The term locomotive as used herein shall mean every self-propelled steam engine,  
437 electrically propelled interurban car and so-called diesel operated locomotive.

438 Every person in charge of a locomotive violating the provisions of this section is guilty  
439 of [~~a misdemeanor~~] an infraction, and the railroad company shall be liable for all damages  
440 which any person may sustain by reason of such violation.

441 Section 38. Section **56-1-16** is amended to read:

442 **56-1-16. Time schedules to be maintained -- Notice of delays.**

443 Every railroad company shall start and run its trains for the transportation of persons  
444 and property at such regular times as it shall fix by public notice, and the station agents thereof  
445 shall announce on a bulletin board, placed in a conspicuous and public place at each station not  
446 less than 15 minutes before the regular time of departure of each passenger train, the time of  
447 such departure, or if the train is delayed, the probable duration of such delay, and on failure to  
448 do so is guilty of [~~a misdemeanor~~] an infraction. The railroad company shall be liable for all  
449 damages that may be sustained by any person by reason of the failure of any of its station  
450 agents to observe the requirements of this section.

451 Section 39. Section **56-1-29** is amended to read:

452 **56-1-29. Removal or use of first-aid kit except for proper purpose -- Infraction.**

453 Any person or any employee of the railroad company who shall remove, carry away  
454 from its proper place or use any emergency first-aid kit provided for in this act, except for the  
455 purpose of administering first-aid in the event of injury to any passenger, employee, or other  
456 person in any accident whereby said kit may be made available at once, [~~shall be deemed~~] is  
457 guilty of [~~a misdemeanor~~] an infraction.

458 Section 40. Section **63A-5-502** is amended to read:

459 **63A-5-502. Violation -- Infraction.**

460 Any person who violates this act [~~shall be~~] is guilty of [~~a misdemeanor~~] an infraction.

461 Section 41. Section **71-10-3** is amended to read:

462 **71-10-3. Willful failure to give preference an infraction.**

463 Any officers, agents, or representatives of a government entity who is charged with  
464 employment of people and who willfully fails to give preference as provided in this chapter is  
465 guilty of [~~a misdemeanor~~] an infraction.

466 Section 42. Section **72-10-412** is amended to read:

467 **72-10-412. Violations of chapter or rulings -- Infraction -- Remedies of political**  
468 **subdivisions.**

469 (1) Each violation of this part or of any regulations, orders, or rulings [~~promulgated or~~]  
470 made pursuant to this part, [~~shall constitute a misdemeanor~~] is an infraction.

471 (2) (a) A political subdivision or agency adopting zoning regulations under this part  
472 may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or  
473 abate any violation of this part, or of airport zoning regulations adopted under this part, or of  
474 any order or ruling made in connection with their administration or enforcement.

475 (b) The court shall adjudge to the plaintiff the relief, by way of injunction or otherwise,  
476 as may be proper under all the facts and circumstances of the case, in order fully to effectuate  
477 the purposes of this part and of the regulations adopted and orders and rulings made pursuant to  
478 them.

479 Section 43. Section **78A-2-411** is amended to read:

480 **78A-2-411. Crimes.**

481 Any violation of the provisions of this chapter, except Section **78A-2-404**, is [~~a~~]  
482 ~~misdemeanor~~] an infraction.

483 Section 44. Section **78A-6-111** is amended to read:

484 **78A-6-111. Appearances -- Parents, guardian, or legal custodian to appear with**  
485 **minor or child -- Failure to appear -- Contempt -- Warrant of arrest, when authorized --**  
486 **Parent's employer to grant time off -- Appointment of guardian ad litem.**

487 (1) Any person required to appear who, without reasonable cause, fails to appear may  
488 be proceeded against for contempt of court, and the court may cause a bench warrant to be  
489 issued to produce the person in court.

490 (2) In a case when a minor is required to appear in court, the parents, guardian, or other  
491 person with legal custody of the minor shall appear with the minor unless excused by the judge.

492 (a) An employee may request permission to leave the workplace for the purpose of



493 attending court if the employee has been notified by the juvenile court that the employee's  
494 minor is required to appear before the court.

495 (b) An employer must grant permission to leave the workplace with or without pay if  
496 the employee has requested permission at least seven days in advance or within 24 hours of the  
497 employee receiving notice of the hearing.

498 (3) If a parent or other person who signed a written promise to appear and bring the  
499 child to court under Section 78A-6-112 or 78A-6-113 fails to appear and bring the child to  
500 court on the date set in the promise, or, if the date was to be set, after notification by the court,  
501 a warrant may be issued for the apprehension of that person.

502 (4) Willful failure to perform the promise is [~~a misdemeanor~~] an infraction if, at the  
503 time of the execution of the promise, the promisor is given a copy of the promise which clearly  
504 states that failure to appear and have the child appear as promised is [~~a misdemeanor~~] an  
505 infraction. The juvenile court shall have jurisdiction to proceed against the promisor in adult  
506 proceedings pursuant to Part 10, Adult Offenses.

507 (5) The court shall endeavor, through use of the warrant of arrest if necessary, as  
508 provided in Subsection (6), or by other means, to ensure the presence at all hearings of one or  
509 both parents or of the guardian of a child. If neither a parent nor guardian is present at the  
510 court proceedings, the court may appoint a guardian ad litem to protect the interest of a minor.  
511 A guardian ad litem may also be appointed whenever necessary for the welfare of a minor,  
512 whether or not a parent or guardian is present.

513 (6) A warrant may be issued for a parent, a guardian, a custodian, or a minor if:

514 (a) a summons is issued but cannot be served;

515 (b) it is made to appear to the court that the person to be served will not obey the  
516 summons; or

517 (c) serving the summons will be ineffectual.

518 Section 45. Section 78B-1-126 is amended to read:

519 **78B-1-126. Jurors and witnesses -- Purchase of certificate forbidden -- Penalty.**

520 (1) No person connected officially with any of the district courts of this state, and no  
521 state, district, county or precinct officer, shall purchase or cause to be purchased any certificate  
522 issued to any juror or witness under the provisions of this title.

523 (2) Any person who violates the provisions of this section is guilty of [~~a misdemeanor~~]

524 an infraction.

525           Section 46. **Effective date.**

526           This bill takes effect on July 1, 2019.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**