

Senator Daniel W. Thatcher proposes the following substitute bill:

MISDEMEANOR AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Marc K. Roberts

LONG TITLE

General Description:

This bill modifies penalties in county and municipal ordinances and the Utah Code.

Highlighted Provisions:

This bill:

- ▶ repeals a criminal provision in the Wildlife Resources Code of Utah that is addressed by another provision of law;
- ▶ designates offenses currently designated as misdemeanors for which a punishment or classification is not specified in the Utah Code as class B misdemeanors;
- ▶ reduces to an infraction the default penalty for offenses designated as misdemeanors for which a punishment or classification is not specified in the Utah Code and, as of a certain date, in a county or municipal ordinance; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 [9-7-214](#), as renumbered and amended by Laws of Utah 1992, Chapter 241
- 27 [9-9-211](#), as renumbered and amended by Laws of Utah 1992, Chapter 241
- 28 [10-3-908](#), as enacted by Laws of Utah 1977, Chapter 48
- 29 [11-1-6](#), Utah Code Annotated 1953
- 30 [11-6-3](#), Utah Code Annotated 1953
- 31 [13-10-6](#), as last amended by Laws of Utah 1995, Chapter 325
- 32 [17-30-22](#), as last amended by Laws of Utah 2011, Chapter 297
- 33 [17-43-308](#), as renumbered and amended by Laws of Utah 2003, Chapter 22
- 34 [23-15-4](#), as enacted by Laws of Utah 1971, Chapter 46
- 35 [30-1-11](#), Utah Code Annotated 1953
- 36 [30-1-39](#), as enacted by Laws of Utah 1971, Chapter 64
- 37 [34-19-12](#), as enacted by Laws of Utah 1969, Chapter 85
- 38 [34-28-4](#), as enacted by Laws of Utah 1969, Chapter 85
- 39 [34-28-12](#), as enacted by Laws of Utah 1969, Chapter 85
- 40 [34-29-1](#), as last amended by Laws of Utah 2011, Chapter 297
- 41 [34-29-6](#), as last amended by Laws of Utah 1988, Chapter 133
- 42 [34-29-20](#), as enacted by Laws of Utah 1969, Chapter 85
- 43 [34-30-9](#), as enacted by Laws of Utah 1969, Chapter 85
- 44 [34-32-3](#), as enacted by Laws of Utah 1969, Chapter 85
- 45 [34-33-2](#), as enacted by Laws of Utah 1969, Chapter 85
- 46 [34-34-17](#), as enacted by Laws of Utah 1969, Chapter 85
- 47 [34A-2-108](#), as renumbered and amended by Laws of Utah 1997, Chapter 375
- 48 [34A-2-803](#), as renumbered and amended by Laws of Utah 1997, Chapter 375
- 49 [39-1-53](#), as last amended by Laws of Utah 1963, Chapter 61
- 50 [39-7-113](#), as last amended by Laws of Utah 2008, Chapter 122
- 51 [39-7-114](#), as enacted by Laws of Utah 1997, Chapter 306
- 52 [39-7-115](#), as enacted by Laws of Utah 1997, Chapter 306
- 53 [39-7-117](#), as enacted by Laws of Utah 1997, Chapter 306
- 54 [42-3-5](#), Utah Code Annotated 1953
- 55 [52-3-3](#), as last amended by Laws of Utah 1953, Chapter 79
- 56 [53B-3-108](#), as enacted by Laws of Utah 1987, Chapter 167

- 57 **53B-17-304**, as enacted by Laws of Utah 1987, Chapter 167
- 58 **53E-4-407**, as last amended by Laws of Utah 2001, Chapter 84
- 59 **54-3-21**, Utah Code Annotated 1953
- 60 **54-5-4**, Utah Code Annotated 1953
- 61 **56-1-12**, Utah Code Annotated 1953
- 62 **56-1-14**, as last amended by Laws of Utah 1975, First Special Session, Chapter 9
- 63 **56-1-16**, Utah Code Annotated 1953
- 64 **56-1-29**, as enacted by Laws of Utah 1961, Chapter 131
- 65 **63A-5-502**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 66 **71-10-3**, as last amended by Laws of Utah 1993, Chapter 133
- 67 **72-10-412**, as renumbered and amended by Laws of Utah 1998, Chapter 270
- 68 **76-3-104**, as enacted by Laws of Utah 1973, Chapter 196
- 69 **78A-2-411**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 70 **78A-6-111**, as last amended by Laws of Utah 2017, Chapter 330
- 71 **78B-1-126**, as renumbered and amended by Laws of Utah 2008, Chapter 3

72 REPEALS:

- 73 **23-20-27**, as enacted by Laws of Utah 1973, Chapter 33



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

76 Section 1. Section **9-7-214** is amended to read:

77 **9-7-214. Intentionally defacing, injuring, destroying, or refusing to return**
78 **property -- Misdemeanor.**

79 Whoever intentionally defaces, injures, or refuses to return on demand, or destroys any
80 property belonging to the state library or loaned through its coordinating agencies or facilities,
81 [~~shall be~~] is guilty of a class B misdemeanor.

82 Section 2. Section **9-9-211** is amended to read:

83 **9-9-211. Hunting, trapping, or fishing on reservation a misdemeanor.**

84 Any person who, without lawful authority or permission from constituted tribal
85 authorities, willfully and knowingly goes upon any real property within an Indian reservation
86 belonging to any Indian, or any Indian tribe, band, or community, that is held in trust by the
87 United States or is subject to a restriction against alienation imposed by the United States, for

88 the purpose of hunting, trapping, or fishing thereon, or for the removal of game, peltries, or fish
89 therefrom, is guilty of a class B misdemeanor, and all game, fish, and peltries in ~~[his]~~ the
90 person's possession shall be forfeited to the tribe.

91 Section 3. Section **10-3-908** is amended to read:

92 **10-3-908. Noncompliance a misdemeanor.**

93 Any city engineer who fails to comply with Sections **10-3-903** through **10-3-907** is
94 guilty of a class B misdemeanor.

95 Section 4. Section **11-1-6** is amended to read:

96 **11-1-6. Violation of act a misdemeanor.**

97 Anyone violating the provisions of this act ~~[shall be]~~ is guilty of a class B
98 misdemeanor.

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

100 **11-6-3. Violation a misdemeanor.**

101 A violation of any of the provisions of this chapter is a class B misdemeanor.

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

103 **13-10-6. Violation a misdemeanor.**

104 Each violation of Section **13-10-4** is a class B misdemeanor.

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

106 **17-30-22. Prohibitions against political activities -- Penalties.**

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

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

124 Section 8. Section **17-43-308** is amended to read:

125 **17-43-308. Specified treatments prohibited -- Criminal penalties.**

126 (1) It is a class B misdemeanor to give shock treatment, lobotomy, or surgery to anyone
127 without the written consent of the person's next of kin or legal guardian. Services provided
128 under this part are governed by Title 58, Chapter 67, Utah Medical Practice Act.

129 (2) It is a felony to give psychiatric treatment, nonvocational mental health counseling,
130 case-finding testing, psychoanalysis, drugs, shock treatment, lobotomy, or surgery to any
131 individual for the purpose of changing his concept of, belief about, or faith in God.

132 Section 9. Section **23-15-4** is amended to read:

133 **23-15-4. Screens or other devices required -- Failure to install after notice a**
134 **misdemeanor.**

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

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

143 **30-1-11. Return of license after ceremony -- Failure -- Penalty.**

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

148 (2) An individual described in Subsection (1) who fails to make [~~such~~] the return [~~he~~
149 shall be] is guilty of a class B misdemeanor.

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

151 **30-1-39. Violation of counseling provisions -- Misdemeanor.**

152 [~~Any person~~] An individual coming within the provisions of this act who falsely
153 represents that [~~he~~] the individual has complied with the requirements of a master plan for
154 premarital counseling or who, for the purpose of evading the provisions of this act, applies for
155 a marriage license in a county within the state of Utah which does not require premarital
156 counseling, is guilty of a class B misdemeanor.

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

158 **34-19-12. Deputizing of employees prohibited.**

159 (1) No employee of any employer whose employees are on strike or lockout for any
160 reason shall be deputized for any purpose arising from or in connection with such strike by any
161 sheriff, chief of police, town marshal, officer of the highway patrol, or any other peace officer
162 during the time such strike or lockout exists.

163 (2) Any person who violates the provisions of this section [~~shall be~~] is guilty of a class
164 B misdemeanor.

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

166 **34-28-4. Notice of paydays -- Failure to notify a misdemeanor.**

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

173 (2) Failure to post and to keep posted any notice or failure to give notice as prescribed
174 in this section [~~shall be deemed a~~] is a class B misdemeanor [~~and punishable as such~~].

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

176 **34-28-12. Violations -- Misdemeanor.**

177 (1) Any employer who [~~shall violate, or fail~~] violates or fails to comply with any of the
178 provisions of this chapter [~~shall be~~] is guilty of a class B misdemeanor.

179 (2) Any employer who shall refuse to pay the wages due and payable when demanded
180 as in this chapter provided, or who shall falsely deny the amount thereof, or that the same is

181 due, with intent to secure for [~~himself~~] the employer or any other person any discount upon
182 such indebtedness or with intent to annoy, harass, oppress, hinder, delay or defraud the person
183 to whom such indebtedness is due, or who hires additional employees without advising each of
184 them of every wage claim due and unpaid and of every judgment that the employer has failed
185 to satisfy, [~~shall be~~] is guilty of a class B misdemeanor.

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

187 **34-29-1. License required -- Agencies for teachers excepted.**

188 It [~~shall be~~] is unlawful for any person to open and establish in any city or town, or
189 elsewhere within the limits of this state, any intelligence or employment office for the purpose
190 of procuring or obtaining for money or other valuable consideration, either directly or
191 indirectly, any work or employment for persons seeking the same, or to otherwise engage in
192 such business, or in any way to act as a broker or go-between between employers and persons
193 seeking work, without first having obtained a license so to do from the city, town, or, if not
194 within any city or town, from the county where such intelligence or employment office is to be
195 opened or such business is to be carried on. Any person performing any of these services shall
196 be deemed to be an employment agent within the meaning of this chapter, but the provisions of
197 Section **34-29-10** do not apply to any person operating agencies for schoolteachers; but it [~~shall~~
198 ~~be a~~] is a class B misdemeanor for any schoolteachers' employment agency to receive as
199 commission for information or assistance such as is described herein any consideration in value
200 in excess of 5% of the amount of the first year's salary of the person to whom such information
201 is furnished.

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

203 **34-29-6. Referring employment to unlawful places -- Penalty.**

204 Any employment agent who knowingly refers employment to any place of bad repute,
205 house of ill fame, assignation house, or to any house or place of amusement kept for immoral
206 purposes, is guilty of a class B misdemeanor. In addition to any other penalty, the agent's
207 license shall be revoked.

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

209 **34-29-20. False orders for employees -- Misdemeanor.**

210 Any person who gives to an employment agent any false or unauthorized order for
211 employees, or who causes to be published in any newspaper or otherwise any false or

212 unauthorized notice or statement that employees are wanted by any person, is guilty of a class
213 B misdemeanor.

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

215 **34-30-9. Violation of chapter -- Failure to keep or produce records --**
216 **Misdemeanor.**

217 Any officer, agent or representative of the state, or of any political subdivision, district
218 or municipality of it who shall violate, or omit to comply with any of the provisions of this
219 chapter, and any contractor or subcontractor, or agent or representative thereof, doing such
220 public work, who shall neglect to keep, or cause to be kept, an accurate record of the names,
221 occupation and actual wages paid to each laborer, workman and mechanic employed by him or
222 her, in connection with this public work or who shall refuse to allow access to same at any
223 reasonable hour to any person authorized to inspect same under this chapter [~~shall be~~] is guilty
224 of a class B misdemeanor.

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

226 **34-32-3. Failure to comply -- Penalty.**

227 Any employer, dealer or processor who willfully fails to comply with the duties
228 imposed by this chapter [~~shall be~~] is guilty of a class B misdemeanor.

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

230 **34-33-2. Violation a misdemeanor.**

231 Any person, firm, corporation or partnership violating the provisions of this chapter
232 [~~shall be~~] is guilty of a class B misdemeanor.

233 Section 21. Section **34-34-17** is amended to read:

234 **34-34-17. Violation of act a misdemeanor.**

235 A violation of this act [~~shall constitute a~~] is a class B misdemeanor, and each day such
236 unlawful conduct, as defined in this chapter, is in effect or continued [~~shall be deemed~~] is a
237 separate offense and [~~shall be~~] is punishable as such, as provided in this chapter.

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

239 **34A-2-108. Void agreements between employers and employees.**

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

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

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

- 248 (a) is guilty of a class B misdemeanor; and
- 249 (b) shall be fined not more than \$100 for each such offense.

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

251 **34A-2-803. Violation of judgments, orders, decrees, or provisions of chapter --**
252 **Grade of offense.**

253 (1) An employer, employee, or other person is guilty of a class B misdemeanor if that
254 employer, employee, or other person violates this chapter or Chapter 3, Utah Occupational
255 Disease Act, including:

- 256 (a) doing any act prohibited by this chapter or Chapter 3, Utah Occupational Disease
257 Act;
- 258 (b) failing or refusing to perform any duty lawfully imposed under this chapter or
259 Chapter 3, Utah Occupational Disease Act; or
- 260 (c) failing, neglecting, or refusing to obey any lawful order given or made by the
261 commission, or any judgment or decree made by any court in connection with the provisions of
262 this chapter or Chapter 3, Utah Occupational Disease Act.

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

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

267 **39-1-53. Military units not to leave state.**

268 No military unit of the Army or Air National Guard, unless called into the service of the
269 United States, shall leave the state with arms and equipment without the consent of the
270 commander in chief, and any person causing any unit to so leave the state is guilty of a class B
271 misdemeanor.

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

273 **39-7-113. Eviction or distress of dependents.**

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

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

284 (3) When a stay is granted or other order is made by the court, the owner of the
285 premises shall be entitled, upon application, to relief with respect to the premises similar to that
286 granted service members in military service in Sections 39-7-114 through 39-7-116 to the
287 extent and for any period as the court determines to be just and reasonable under the
288 circumstances.

289 (4) Any person who knowingly takes part in any eviction or distress otherwise than as
290 provided in Subsection (1), or attempts to do so, is guilty of a class B misdemeanor.

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

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

295 **39-7-114. Installment contracts.**

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

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

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

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

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

309 (3) Any person who knowingly repossesses property which is the subject of this section
310 other than as provided in Subsection (1) is guilty of a class B misdemeanor.

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

312 **39-7-115. Mortgage foreclosures.**

313 (1) The creditor of a service member who, prior to entry into military service, has
314 entered into a mortgage contract with the service member or [his] the service member's
315 dependent for the purchase of real or personal property may not foreclose on the mortgage or
316 repossess the property for nonpayment or any breach occurring during military service without
317 an order from a court of competent jurisdiction.

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

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

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

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

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

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

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

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

335 (d) that the property is still owned by the service member or [his] the service member's

336 dependent at the time relief is sought.

337 (4) Any person who knowingly forecloses on property which is the subject of this
338 section other than as provided in Subsection (1) is guilty of a class B misdemeanor.

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

340 **39-7-117. Storage liens.**

341 (1) A person may not exercise any right to foreclose or enforce any lien for storage of
342 household goods, furniture, or personal effects of a service member in military service during
343 the service member's period of military service and for 60 days after termination or discharge,
344 except upon an order previously granted by a court upon application and a return to the court
345 made and approved by the court. In the proceeding the court may, after hearing the matter, on
346 its own motion, and shall, on application to it by the service member in military service or
347 another person on [~~his~~] the service member's behalf, unless in the opinion of the court the
348 ability of the service member to pay the storage charges due is not materially affected by reason
349 of [~~his~~] the service member's military service:

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

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

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

355 (3) Any person who knowingly takes any action contrary to the provisions of this
356 section, or attempts to do so, is guilty of a class B misdemeanor.

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

358 **42-3-5. Use of name by another -- Penalty.**

359 It is a class B misdemeanor for any person other than the person in whose name a farm
360 is registered to use such registered name for any other farm.

361 Section 30. Section **52-3-3** is amended to read:

362 **52-3-3. Penalty.**

363 Any person violating any of the provisions of this chapter is guilty of a class B
364 misdemeanor.

365 Section 31. Section **53B-3-108** is amended to read:

366 **53B-3-108. Violation of chapter a misdemeanor.**

367 A violation of this chapter is a class B misdemeanor.

368 Section 32. Section **53B-17-304** is amended to read:

369 **53B-17-304. Failure to comply with chapter is a misdemeanor.**

370 A person who commits the following violations is guilty of a class B misdemeanor:

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

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

373 Section 33. Section **53E-4-407** is amended to read:

374 **53E-4-407. Illegal acts -- Misdemeanor.**

375 It is a class B misdemeanor for a member of the commission or the board to receive
376 money or other remuneration as an inducement for the recommendation or introduction of
377 instructional materials into the schools.

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

379 **54-3-21. Commission to be furnished information and copies of records --**
380 **Hearings before commission to be public -- Privilege.**

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

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

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

394 (4) Hearings or proceedings of the commission or of any commissioner shall be open
395 to the public, and all records of all hearings or proceedings or orders, rules or investigations by
396 the commission or any commissioner shall be at all times open to the public; provided, that any
397 information furnished the commission by a public utility or by any officer, agent or employee

398 of any public utility may be withheld from the public whenever and during such time as the
399 commission may determine that it is for the best interests of the public to withhold such
400 information. Any officer or employee of the commission who in violation of the provisions of
401 this subsection divulges any such information is guilty of a class B misdemeanor.

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

403 **54-5-4. Penalties.**

404 Any person or corporation which exercises or attempts to exercise any right or privilege
405 as any such utility during the period for which the operating rights of any such utility are
406 suspended as provided in Section **54-5-3** is guilty of a class B misdemeanor. Each day's
407 violation shall constitute a separate offense. Jurisdiction of such offense shall be held to be in
408 any county in which any part of such transaction of business occurred. Every contract made in
409 violation of this section is unenforceable by such corporation or person.

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

411 **56-1-12. Injury to livestock -- Notice.**

412 Every person operating a railroad within this state that injures or kills any livestock of
413 any description by the running of any engine or engines, car or cars, over or against any such
414 livestock shall within three days thereafter post at the first railroad station in each direction
415 from the place of such injury or killing in some conspicuous place on the outside of such
416 station a notice in writing of the number and kind of animals so injured or killed, with a full
417 description of each, and the time and place as near as may be of such injury or killing. Such
418 notice shall be dated and signed by some officer or agent of such railroad, and a duplicate
419 thereof shall be filed with the county clerk of the county in which stock is so injured or killed.
420 Every person willfully failing, neglecting or refusing to comply with the provisions of this
421 section is guilty of a class B misdemeanor and shall be fined in any sum not exceeding \$50.

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

423 **56-1-14. Procedures at grade crossings.**

424 Every locomotive shall be provided with a bell which shall be rung continuously from a
425 point not less than 80 rods from any city or town street or public highway grade crossing until
426 such city or town street or public highway grade crossing shall be crossed, but, except in towns
427 and at terminal points, the sounding of the locomotive whistle or siren at least one-fourth of a
428 mile before reaching any such grade crossing shall be deemed equivalent to ringing the bell as

429 aforesaid; during the prevalence of fogs, snow and dust storms, the locomotive whistle shall be
430 sounded before each street crossing while passing through cities and towns. All locomotives
431 with or without trains before crossing the main track at grade of any other railroad must come
432 to a full stop at a distance not exceeding 400 feet from the crossing, and must not proceed until
433 the way is known to be clear; two blasts of the whistle or two sounds of the siren shall be
434 sounded at the moment of starting; provided, that whenever interlocking signal apparatus and
435 derailing switches or any other crossing protective device approved by the Department of
436 Transportation is adopted such stop shall not be required.

437 Provided, that local authorities in their respective jurisdiction may by ordinance
438 approved by the Department of Transportation provide more restricted sounding of bells or
439 whistles or sirens than is provided herein and may prescribe points different from those herein
440 set forth at which such signals shall be given and may further restrict such ringing of bells or
441 sounding of whistles or sirens so as to provide for either the ringing of a bell or the sounding of
442 a whistle or of a siren or the elimination of the sounding of such bells or whistles or sirens or
443 either of them, except in case of emergency.

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

446 Every person in charge of a locomotive violating the provisions of this section is guilty
447 of a class B misdemeanor, and the railroad company shall be liable for all damages which any
448 person may sustain by reason of such violation.

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

450 **56-1-16. Time schedules to be maintained -- Notice of delays.**

451 Every railroad company shall start and run its trains for the transportation of persons
452 and property at such regular times as it shall fix by public notice, and the station agents thereof
453 shall announce on a bulletin board, placed in a conspicuous and public place at each station not
454 less than 15 minutes before the regular time of departure of each passenger train, the time of
455 such departure, or if the train is delayed, the probable duration of such delay, and on failure to
456 do so is guilty of a class B misdemeanor. The railroad company shall be liable for all damages
457 that may be sustained by any person by reason of the failure of any of its station agents to
458 observe the requirements of this section.

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

460 **56-1-29. Removal or use of first-aid kit except for proper purpose --**
461 **Misdemeanor.**

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

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

468 **63A-5-502. Violation -- Misdemeanor.**

469 Any person who violates this act [~~shall be~~] is guilty of a class B misdemeanor.

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

471 **71-10-3. Willful failure to give preference a misdemeanor.**

472 Any officers, agents, or representatives of a government entity who is charged with
473 employment of people and who willfully fails to give preference as provided in this chapter is
474 guilty of a class B misdemeanor.

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

476 **72-10-412. Violations of chapter or rulings -- Misdemeanor -- Remedies of**
477 **political subdivisions.**

478 (1) Each violation of this part or of any regulations, orders, or rulings [~~promulgated or~~]
479 made pursuant to this part, [~~shall constitute a~~] is a class B misdemeanor.

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

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

488 Section 43. Section **76-3-104** is amended to read:

489 **76-3-104. Misdemeanors classified.**

490 (1) Misdemeanors are classified into three categories:

491 (a) Class A misdemeanors;

492 (b) Class B misdemeanors;

493 (c) Class C misdemeanors.

494 (2) An offense designated as a misdemeanor~~[, either]~~ in this code ~~[or in another law,]~~
495 without specification as to punishment or category~~[, is a class B misdemeanor.]~~ is an infraction
496 punishable in accordance with Section 76-3-205.

497 (3) Except as provided in Subsection (4), an offense designated as a misdemeanor in a
498 county or municipal ordinance without specification as to punishment or category is a class B
499 misdemeanor.

500 (4) After June 30, 2019, an offense designated as a misdemeanor in a county or
501 municipal ordinance without specification as to punishment or category is an infraction
502 punishable in accordance with Section 76-3-205.

503 Section 44. Section **78A-2-411** is amended to read:

504 **78A-2-411. Crimes.**

505 Any violation of the provisions of this chapter, except Section **78A-2-404**, is a class B
506 misdemeanor.

507 Section 45. Section **78A-6-111** is amended to read:

508 **78A-6-111. Appearances -- Parents, guardian, or legal custodian to appear with**
509 **minor or child -- Failure to appear -- Contempt -- Warrant of arrest, when authorized --**
510 **Parent's employer to grant time off -- Appointment of guardian ad litem.**

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

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

516 (a) An employee may request permission to leave the workplace for the purpose of
517 attending court if the employee has been notified by the juvenile court that the employee's
518 minor is required to appear before the court.

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

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

526 (4) Willful failure to perform the promise is a class B misdemeanor if, at the time of
527 the execution of the promise, the promisor is given a copy of the promise which clearly states
528 that failure to appear and have the child appear as promised is a class B misdemeanor. The
529 juvenile court shall have jurisdiction to proceed against the promisor in adult proceedings
530 pursuant to Part 10, Adult Offenses.

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

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

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

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

541 (c) serving the summons will be ineffectual.

542 Section 46. Section 78B-1-126 is amended to read:

543 **78B-1-126. Jurors and witnesses -- Purchase of certificate forbidden -- Penalty.**

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

547 (2) Any person who violates the provisions of this section is guilty of a class B
548 misdemeanor.

549 Section 47. **Repealer.**

550 This bill repeals:

551 Section 23-20-27, **Alteration of license, permit, tag or certificate a misdemeanor.**