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FOOD TRUCK LICENSE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding food truck licensing.

Highlighted Provisions:

This bill:

- ▶ prohibits a political subdivision from requiring a food truck operator to obtain a business license if the food truck operator has a license from another political subdivision;
- ▶ requires a food truck operator to obtain a business license, health department permit, and fire safety certification in the political subdivision in which the food truck conducts the majority of the food truck's operations;
- ▶ sets a criminal penalty for violating a license, permit, and certification requirement;
- ▶ repeals provisions related to reciprocal licensing and related reciprocal fees;
- ▶ repeals provisions related to reciprocal health department permits and related reciprocal fees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **11-56-103**, as last amended by Laws of Utah 2018, Chapter 172

30 **11-56-104**, as enacted by Laws of Utah 2017, Chapter 165

31

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

33 Section 1. Section **11-56-103** is amended to read:

34 **11-56-103. Licensing -- Reciprocity -- Fees.**

35 (1) A political subdivision may not:

36 (a) require a separate license or fee beyond the initial business license and fee for the
37 operation of a food truck in more than one location or on more than one day within the political
38 subdivision in the same calendar year;

39 (b) require a fee for each employee the food truck operator employs; or

40 (c) as a business license qualification, require a food truck operator or food truck
41 vendor to:

42 (i) submit to or offer proof of a criminal background check; or

43 (ii) demonstrate how the operation of the food truck will comply with a land use or
44 zoning ordinance at the time the operator or vendor applies for the business license.

45 (2) (a) A political subdivision [~~shall grant a business license to operate a food truck~~
46 ~~within the political subdivision to~~] may not require a food truck operator who has obtained a
47 business license to operate a food truck in another political subdivision within the state [~~if the~~
48 ~~food truck operator presents to the political subdivision:~~] to obtain a separate additional license
49 to operate within the political subdivision.

50 (b) (i) A food truck operator may not engage in commerce in any political subdivision
51 without first obtaining, where appropriate from the political subdivision with jurisdiction over
52 the area in which the majority of the food truck's operations take place:

53 [(i)] (A) a [current] business license [~~from the other political subdivision within the~~
54 ~~state~~];

55 [(ii)] (B) a [current] health department food truck permit [~~from a local health~~
56 ~~department within the state~~] that the relevant health department issued or renewed within the
57 previous year; and

58 [(iii)] ~~a current approval of a political subdivision within the state that shows]~~

59 (C) a certification, that the political subdivision issued or renewed within the previous
60 year, that the food truck passed a fire safety inspection [that the other political subdivision
61 conducted] in accordance with Subsection 11-56-104[(4)](3)(a).

62 (ii) A violation of Subsection (2)(b)(i) is a class B misdemeanor.

63 ~~[(b) If a food truck operator presents the documents described in Subsection (2)(a), the~~
64 ~~political subdivision may not:]~~

65 ~~[(i) impose additional license qualification requirements on the food truck operator~~
66 ~~before issuing a license to operate within the political subdivision, except for charging a fee in~~
67 ~~accordance with Subsection (3); or]~~

68 ~~[(ii) issue a license that expires on a date earlier or later than the day on which the~~
69 ~~license described in Subsection (2)(a)(i) expires.]~~

70 ~~[(c) Nothing in this Subsection (2) prevents a political subdivision from enforcing]~~

71 (c) Before operating in a political subdivision, a food truck operator shall request a
72 copy of the political subdivision's land use regulations[, zoning, and other ordinances in
73 relation] pertaining to the operation of a food truck.

74 (d) Upon request by an officer of a political subdivision, a food truck operator shall
75 provide a copy of the documents described in Subsection (2)(b)(i).

76 (3) ~~[(a)]~~ A political subdivision may only charge a licensing fee to a food truck
77 operator in an amount that reimburses the political subdivision for the actual cost of regulating
78 the food truck.

79 ~~[(b) For a business license that a political subdivision issues in accordance with~~
80 ~~Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to~~
81 ~~an amount that accounts for the actual administrative burden on the political subdivision.]~~

82 (4) Nothing in this section prevents a political subdivision from:

83 (a) requiring a food truck operator to comply with local zoning and land use
84 regulations;

85 (b) promulgating local ordinances and regulations consistent with this section that
86 address how and where a food truck may operate within the political subdivision; or

87 (c) requiring a food truck operator to obtain an event permit, in accordance with
88 Section 11-56-105[; or].

89 ~~[(d) revoking a license that the political subdivision has issued if the operation of the~~

90 ~~related food truck within the political subdivision violates the terms of the license.]~~

91 Section 2. Section **11-56-104** is amended to read:

92 **11-56-104. Safety and health inspections and permits -- Reciprocity -- Fees.**

93 (1) A food truck operator shall obtain an annual health department food truck permit
94 from the local health department with jurisdiction over the area in which the majority of the
95 food truck's operations takes place.

96 ~~[(2) (a) A local health department shall grant a health department food truck permit to
97 operate a food truck within the jurisdiction of the local health department to a food truck
98 operator who has obtained the health department food truck permit described in Subsection (1)
99 from another local health department within the state if the food truck operator presents to the
100 local health department the current health department food truck permit from the other local
101 health department.]~~

102 ~~[(b) If a food truck operator presents the health department food truck permit described
103 in Subsection (1), the local health department may not:]~~

104 ~~[(i) impose additional permit qualification requirements on the food truck operator
105 before issuing a health department food truck permit to operate within the jurisdiction of the
106 local health department, except for charging a fee in accordance with Subsection (3); or]~~

107 ~~[(ii) issue a health department food truck permit that expires on a date earlier or later
108 than the day on which the permit described in Subsection (1) expires.]~~

109 ~~[(3) (a)]~~ (2) A local health department may only charge a health department food truck
110 permit fee to a food truck operator in an amount that reimburses the local health department for
111 the cost of regulating the food truck.

112 ~~[(b) For a health department food truck permit that a local health department issues in
113 accordance with Subsection (2), the local health department shall reduce the amount of the
114 food truck permit fee to an amount that accounts for the lower administrative burden on the
115 local health department.]~~

116 ~~[(4)]~~ (3) (a) A political subdivision inspecting a food truck for fire safety shall conduct
117 the inspection based on the criteria that the Utah Fire Prevention Board, created in Section
118 [53-7-203](#), establishes in accordance with Section [53-7-204](#).

119 (b) ~~[(i)]~~ A political subdivision shall consider valid within the political subdivision's
120 jurisdiction an approval from another political subdivision within the state that shows that the

121 food truck passed a fire safety inspection that the other political subdivision conducted.

122 ~~[(ii) A political subdivision may not require that a food truck pass a fire safety~~
123 ~~inspection in a given calendar year if the food truck operator presents to the political~~
124 ~~subdivision an approval described in Subsection (4)(b)(i) issued during the same calendar~~
125 ~~year.]~~

126 [(5)] (4) (a) Nothing in this section prevents a local health department from:

127 (i) requiring a food truck operator to obtain an event permit, in accordance with
128 Section 11-56-105; or

129 (ii) revoking a health department food truck permit that the local health department has
130 issued if the operation of the related food truck within the jurisdiction of the local health
131 department violates the terms of the permit.

132 (b) Nothing in this section prevents a political subdivision from revoking the political
133 subdivision's approval described in Subsection [~~(4)(b)(i)~~] (3)(b) if the operation of the related
134 food truck within the political subdivision fails to meet the criteria described in Subsection
135 [~~(4)(a)~~] (3)(a).