

CONSANGUINITY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

General Description:

This bill adds to the Utah Code definitions of certain relationships.

Highlighted Provisions:

This bill:

- ▶ defines consanguinity and affinity, as used in the Utah Code; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-306, as last amended by Laws of Utah 2019, Chapter 24

68-3-12.5, as last amended by Laws of Utah 2019, Chapter 24

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

Section 1. Section **20A-1-306** is amended to read:

20A-1-306. Electronic signatures prohibited.

Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and Subsections **68-3-12(1)(e)** and **68-3-12.5[(28)](29)** and **[(40)] (41)**, an electronic signature may



28 not be used to sign a petition to:

29 (1) qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the
30 Voters;

31 (2) organize and register a political party under Chapter 8, Political Party Formation
32 and Procedures; or

33 (3) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and
34 Nominating Procedures.

35 Section 2. Section **68-3-12.5** is amended to read:

36 **68-3-12.5. Definitions for Utah Code.**

37 (1) The definitions listed in this section apply to the Utah Code, unless:

38 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant
39 to the context of the statute; or

40 (b) a different definition is expressly provided for the respective title, chapter, part,
41 section, or subsection.

42 (2) "Adjudicative proceeding" means:

43 (a) an action by a board, commission, department, officer, or other administrative unit
44 of the state that determines the legal rights, duties, privileges, immunities, or other legal
45 interests of one or more identifiable persons, including an action to grant, deny, revoke,
46 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

47 (b) judicial review of an action described in Subsection (2)(a).

48 (3) "Administrator" includes "executor" when the subject matter justifies the use.

49 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
50 commission, committee, or council that:

51 (a) is created by, and whose duties are provided by, statute or executive order;

52 (b) performs its duties only under the supervision of another person as provided by
53 statute; and

54 (c) provides advice and makes recommendations to another person that makes policy
55 for the benefit of the general public.

56 (5) "Affinity" means a relationship by marriage.

57 [~~5~~] (6) "Armed forces" means the United States Army, Navy, Air Force, Marine
58 Corps, and Coast Guard.

59 ~~[(6)]~~ (7) "City" includes, depending on population, a metro township as defined in
60 Section 10-3c-102.

61 (8) "Consanguinity" means a relationship by blood to the first or second degree,
62 including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.

63 ~~[(7)]~~ (9) "County executive" means:

64 (a) the county commission, in the county commission or expanded county commission
65 form of government established under Title 17, Chapter 52a, Changing Forms of County
66 Government;

67 (b) the county executive, in the county executive-council optional form of government
68 authorized by Section 17-52a-203; or

69 (c) the county manager, in the council-manager optional form of government
70 authorized by Section 17-52a-204.

71 ~~[(8)]~~ (10) "County legislative body" means:

72 (a) the county commission, in the county commission or expanded county commission
73 form of government established under Title 17, Chapter 52a, Changing Forms of County
74 Government;

75 (b) the county council, in the county executive-council optional form of government
76 authorized by Section 17-52a-203; and

77 (c) the county council, in the council-manager optional form of government authorized
78 by Section 17-52a-204.

79 ~~[(9)]~~ (11) "Depose" means to make a written statement made under oath or affirmation.

80 ~~[(10)]~~ (12) "Executor" includes "administrator" when the subject matter justifies the
81 use.

82 ~~[(11)]~~ (13) "Guardian" includes a person who:

83 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
84 or court appointment; or

85 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

86 ~~[(12)]~~ (14) "Highway" includes:

87 (a) a public bridge;

88 (b) a county way;

89 (c) a county road;

90 (d) a common road; and

91 (e) a state road.

92 ~~[(13)]~~ (15) "Intellectual disability" means a significant, subaverage general intellectual
93 functioning that:

94 (a) exists concurrently with deficits in adaptive behavior; and

95 (b) is manifested during the developmental period as defined in the current edition of
96 the Diagnostic and Statistical Manual of Mental Disorders, published by the American
97 Psychiatric Association.

98 ~~[(14)]~~ (16) "Intermediate care facility for people with an intellectual disability" means
99 an intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
100 Security Act.

101 ~~[(15)]~~ (17) "Land" includes:

102 (a) land;

103 (b) a tenement;

104 (c) a hereditament;

105 (d) a water right;

106 (e) a possessory right; and

107 (f) a claim.

108 ~~[(16)]~~ (18) "Month" means a calendar month, unless otherwise expressed.

109 ~~[(17)]~~ (19) "Oath" includes "affirmation."

110 ~~[(18)]~~ (20) "Person" means:

111 (a) an individual;

112 (b) an association;

113 (c) an institution;

114 (d) a corporation;

115 (e) a company;

116 (f) a trust;

117 (g) a limited liability company;

118 (h) a partnership;

119 (i) a political subdivision;

120 (j) a government office, department, division, bureau, or other body of government;

- 121 and
- 122 (k) any other organization or entity.
- 123 [~~(19)~~] (21) "Personal property" includes:
- 124 (a) money;
- 125 (b) goods;
- 126 (c) chattels;
- 127 (d) effects;
- 128 (e) evidences of a right in action;
- 129 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 130 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 131 (g) a right or interest in an item described in Subsections [~~(19)~~] (21)(a) through (f).
- 132 [~~(20)~~] (22) "Personal representative," "executor," and "administrator" include:
- 133 (a) an executor;
- 134 (b) an administrator;
- 135 (c) a successor personal representative;
- 136 (d) a special administrator; and
- 137 (e) a person who performs substantially the same function as a person described in
- 138 Subsections [~~(20)~~] (22)(a) through (d) under the law governing the person's status.
- 139 [~~(21)~~] (23) "Policy board," "policy commission," or "policy council" means a board,
- 140 commission, or council that:
- 141 (a) is authorized to make policy for the benefit of the general public;
- 142 (b) is created by, and whose duties are provided by, the constitution or statute; and
- 143 (c) performs its duties according to its own rules without supervision other than under
- 144 the general control of another person as provided by statute.
- 145 [~~(22)~~] (24) "Population" is shown by the most recent state or national census, unless
- 146 expressly provided otherwise.
- 147 [~~(23)~~] (25) "Process" means a writ or summons issued in the course of a judicial
- 148 proceeding.
- 149 [~~(24)~~] (26) "Property" includes both real and personal property.
- 150 [~~(25)~~] (27) "Real estate" or "real property" includes:
- 151 (a) land;

- 152 (b) a tenement;
- 153 (c) a hereditament;
- 154 (d) a water right;
- 155 (e) a possessory right; and
- 156 (f) a claim.

157 ~~[(26)]~~ (28) "Review board," "review commission," and "review council" mean a board,
158 commission, committee, or council that:

- 159 (a) is authorized to approve policy made for the benefit of the general public by another
160 body or person;
- 161 (b) is created by, and whose duties are provided by, statute; and
- 162 (c) performs its duties according to its own rules without supervision other than under
163 the general control of another person as provided by statute.

164 ~~[(27)]~~ (29) "Road" includes:

- 165 (a) a public bridge;
- 166 (b) a county way;
- 167 (c) a county road;
- 168 (d) a common road; and
- 169 (e) a state road.

170 ~~[(28)]~~ (30) "Signature" includes a name, mark, or sign written with the intent to
171 authenticate an instrument or writing.

172 ~~[(29)]~~ (31) "State," when applied to the different parts of the United States, includes a
173 state, district, or territory of the United States.

174 ~~[(30)]~~ (32) "Swear" includes "affirm."

175 ~~[(31)]~~ (33) "Testify" means to make an oral statement under oath or affirmation.

176 ~~[(32)]~~ (34) "Town" includes, depending on population, a metro township as defined in
177 Section 10-3c-102.

178 ~~[(33)]~~ (35) "Uniformed services" means:

- 179 (a) the armed forces;
- 180 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;
- 181 and
- 182 (c) the commissioned corps of the United States Public Health Service.

183 [~~(34)~~] (36) "United States" includes each state, district, and territory of the United
184 States of America.

185 [~~(35)~~] (37) "Utah Code" means the 1953 recodification of the Utah Code, as amended,
186 unless the text expressly references a portion of the 1953 recodification of the Utah Code as it
187 existed:

188 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

189 (b) (i) after the day described in Subsection [~~(35)~~] (37)(a); and

190 (ii) before the most recent amendment to the referenced portion of the 1953

191 recodification of the Utah Code.

192 [~~(36)~~] (38) "Vessel," when used with reference to shipping, includes a steamboat, canal
193 boat, and every structure adapted to be navigated from place to place.

194 [~~(37)~~] (39) (a) "Veteran" means an individual who:

195 (i) has served in the United States Armed Forces for at least 180 days:

196 (A) on active duty; or

197 (B) in a reserve component, to include the National Guard; or

198 (ii) has incurred an actual service-related injury or disability while in the United States

199 Armed Forces regardless of whether the individual completed 180 days; and

200 (iii) was separated or retired under conditions characterized as honorable or general.

201 (b) This definition is not intended to confer eligibility for benefits.

202 [~~(38)~~] (40) "Will" includes a codicil.

203 [~~(39)~~] (41) "Writ" means an order or precept in writing, issued in the name of:

204 (a) the state;

205 (b) a court; or

206 (c) a judicial officer.

207 [~~(40)~~] (42) "Writing" includes:

208 (a) printing;

209 (b) handwriting; and

210 (c) information stored in an electronic or other medium if the information is retrievable

211 in a perceivable format.