

FOOD TRUCK LICENSING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies the Food Truck Licensing and Regulation Act.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of a food truck;
- ▶ modifies a municipality's and a county's regulation and business licensing authority over food truck businesses, including the regulation and business licensing authority over a food truck business that has previously obtained a business license in another political subdivision;
- ▶ modifies health and safety inspection requirements for food truck businesses; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-56-102, as last amended by Laws of Utah 2019, Chapter 260

11-56-103, as last amended by Laws of Utah 2019, Chapter 260

11-56-104, as last amended by Laws of Utah 2019, Chapter 260



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

Section 1. Section **11-56-102** is amended to read:

11-56-102. Definitions.

As used in this chapter:

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

(2) "Food cart" means a cart:

(a) that is not motorized; and

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

(3) ~~[(a)]~~ "Food truck" means:

(a) a fully encased food service establishment:

(i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and

(ii) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption~~[-];~~

~~(b) ["Food truck" does not include a food cart or an ice cream truck.] a food cart; or~~

(c) an ice cream truck.

(4) "Food truck business" means a person who operates a food truck or, under the same business, multiple food trucks.

(5) "Food truck event" means an event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering.

(6) "Food truck operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the food truck business.

(7) "Food truck vendor" means a person who sells, cooks, or serves food or beverages from a food truck.

(8) "Health department food truck permit" means a document that a local health department issues to authorize a person to operate a food truck within the jurisdiction of the local health department.

(9) "Ice cream truck" means a fully encased food service establishment:

(a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

59 (b) from which a vendor, from within the frame of the vehicle, serves ice cream;

60 (c) that attracts patrons by traveling through a residential area and signaling the truck's
61 presence in the area, including by playing music; and

62 (d) that may stop to serve ice cream at the signal of a patron.

63 (10) "Local health department" means the same as that term is defined in Section
64 26A-1-102.

65 (11) "Political subdivision" means:

66 (a) a city, town, or metro township; or

67 (b) a county, as it relates to the licensing and regulation of businesses in the
68 unincorporated area of the county.

69 (12) (a) "Temporary mass gathering" means:

70 (i) an actual or reasonably anticipated assembly of 500 or more people that continues,
71 or reasonably can be expected to continue, for two or more hours per day; or

72 (ii) an event that requires a more extensive review to protect public health and safety
73 because the event's nature or conditions have the potential of generating environmental or
74 health risks.

75 (b) "Temporary mass gathering" does not include an assembly of people at a location
76 with permanent facilities designed for that specific assembly, unless the assembly is a
77 temporary mass gathering described in Subsection (12)(a)(i).

78 Section 2. Section 11-56-103 is amended to read:

79 **11-56-103. Licensing -- Reciprocity -- Fees.**

80 (1) (a) Subject to the provisions of this chapter, a political subdivision may require a
81 food truck business to obtain a business license if the food truck business does not hold a
82 current business license in good standing from another political subdivision in the state.

83 (b) A political subdivision may only charge a licensing fee to a food truck business in
84 an amount that reimburses the political subdivision for the actual cost of processing the
85 business license.

86 [~~(1) A political subdivision may not:~~]

87 [~~(a) require a separate license, permit, or fee beyond the initial or reciprocal business~~
88 ~~license described in Subsection (2) and the fee described in Subsection (3) for a food truck~~
89 ~~business, regardless of whether a food truck operates in more than one location or on more than~~

90 ~~one day within the political subdivision in the same calendar year;]~~

91 ~~[(b) require a fee for each employee the food truck business employs; or]~~

92 ~~[(c) as a business license qualification, require a food truck business to, regarding a~~
93 ~~food truck operator or food truck vendor:]~~

94 ~~[(i) submit to or offer proof of a criminal background check; or]~~

95 ~~[(ii) demonstrate how the operation of the food truck business will comply with a land~~
96 ~~use or zoning ordinance at the time the business applies for the business license.]~~

97 ~~[(2) (a) A political subdivision shall grant a business license to operate a food truck~~
98 ~~within the political subdivision to a food truck business that has obtained a business license to~~
99 ~~operate a food truck in another political subdivision within the state if the food truck business~~
100 ~~presents to the political subdivision:]~~

101 ~~[(i) a current business license from the other political subdivision within the state; and]~~

102 ~~[(ii) for each food truck that the food truck business operates:]~~

103 (2) A political subdivision may not:

104 (a) require a food truck business to:

105 (i) obtain a separate license or permit beyond the initial business license described in
106 Subsection (1)(a);

107 (ii) pay a fee other than the fee for the initial business license described in Subsection
108 (1); or

109 (iii) pay a fee for each employee the food truck business employs;

110 (b) as a condition of food truck business obtaining a business license under Subsection
111 (1):

112 (i) require a food truck operator or food truck vendor to submit to or offer evidence of
113 a criminal background check; or

114 (ii) require a food truck operator to demonstrate how the operation of the food truck
115 business will comply with a land use or zoning ordinance at the time the food truck business
116 applies for the business license; or

117 (c) regulate or restrict the size of a food truck operated by a food truck business.

118 (3) (a) A political subdivision shall recognize as valid within the political subdivision
119 the business license of a food truck business obtained in another political subdivision within
120 the state, if the business license is current and in good standing.

121 (b) Notwithstanding Subsection (3)(a), a political subdivision is not required to
122 recognize as valid the business license of a food truck business issued in another political
123 subdivision within the state if the food truck business does not have the following for each
124 food truck that the food truck business operates:

125 ~~[(A)]~~ (i) a current health department food truck permit from a local health department
126 within the state; and

127 ~~[(B)]~~ (ii) a current approval of a political subdivision within the state that shows that
128 the food truck passed a fire safety inspection that the other political subdivision conducted in
129 accordance with Subsection 11-56-104~~[(4)]~~(3)(a).

130 ~~[(b) If a food truck business presents the documents described in Subsection (2)(a), the~~
131 ~~political subdivision may not:]~~

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

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

137 ~~[(c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the~~
138 ~~political subdivision's land use regulations, zoning, and other ordinances in relation to the~~
139 ~~operation of a food truck to the extent that the regulations and ordinances do not conflict with~~
140 ~~this chapter.]~~

141 ~~[(3) (a) For an initial business license, a political subdivision may only charge a~~
142 ~~licensing fee to a food truck business in an amount that reimburses the political subdivision for~~
143 ~~the actual cost of processing the business license.]~~

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

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

149 (a) requiring a food truck business to comply with local zoning and land use
150 regulations to the extent that the regulations do not conflict with this chapter;

151 (b) promulgating local ordinances and regulations consistent with this section that

152 address how and where a food truck may operate within the political subdivision;

153 (c) requiring a food truck business to obtain an event permit[;] in accordance with
154 Section 11-56-105; or

155 [~~(d) revoking a license that the political subdivision has issued if the operation of the
156 related food truck within the political subdivision violates the terms of the license.~~]

157 (d) requiring a food truck business to keep a copy of the following in each food truck
158 operated by the food truck business:

159 (i) a valid business license for the food truck business, as described in this section,
160 whether issued by the political subdivision or another political subdivision;

161 (ii) a valid health department food truck permit, as described in Section 11-56-104,
162 whether issued by a local health department or another health department; or

163 (iii) evidence of passing a fire safety inspection, as described in Section 11-56-104,
164 whether conducted by the political subdivision or another political subdivision.

165 Section 3. Section 11-56-104 is amended to read:

166 **11-56-104. Safety and health inspections and permits -- Fees.**

167 (1) (a) A food truck business shall obtain, for each food truck that the business
168 operates, an annual health department food truck permit from the local health department with
169 jurisdiction over the area in which the majority of the food truck's operations takes place.

170 (b) A local health department shall recognize as valid a health department food truck
171 permit that has been issued by another local health department within the state.

172 [~~(2) (a) A local health department shall grant a health department food truck permit to
173 operate a food truck within the jurisdiction of the local health department to a food truck
174 business that has obtained the health department food truck permit described in Subsection (1)
175 from another local health department within the state if the food truck business presents to the
176 local health department the current health department food truck permit from the other local
177 health department.~~]

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

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

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

185 ~~[(3)(a)]~~ (2) A local health department may only charge a health department food truck
 186 permit fee to a food truck business in an amount that reimburses the local health department for
 187 the cost of regulating the food truck.

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

192 ~~[(4)]~~ (3) (a) A political subdivision inspecting a food truck for fire safety shall conduct
 193 the inspection based on the criteria that the Utah Fire Prevention Board, created in Section
 194 53-7-203, establishes in accordance with Section 53-7-204.

195 (b) (i) A political subdivision shall ~~[consider]~~ recognize as valid within the political
 196 subdivision's jurisdiction an approval from another political subdivision within the state that
 197 shows that the food truck passed a fire safety inspection that the other political subdivision
 198 conducted.

199 (ii) A political subdivision may not require that a food truck pass a fire safety
 200 inspection in a given calendar year if the food truck business presents to the political
 201 subdivision an approval described in Subsection ~~[(4)]~~ (3)(b)(i) issued during the same calendar
 202 year.

203 ~~[(5)]~~ (4) (a) Nothing in this section prevents a local health department from ~~[(i)]~~
 204 requiring a food truck business to obtain an event permit, in accordance with Section
 205 11-56-105 ~~[; or]~~.

206 ~~[(ii) revoking a health department food truck permit that the local health department~~
 207 ~~has issued if the operation of the related food truck within the jurisdiction of the local health~~
 208 ~~department violates the terms of the permit.]~~

209 (b) Nothing in this section prevents a political subdivision from revoking the political
 210 subdivision's approval:

211 (i) described in Subsection (1)(b), if the operation of the related food truck within the
 212 political subdivision fails a health inspection; or

213 (ii) described in Subsection ~~[(4)]~~ (3)(b)(i)₂, if the operation of the related food truck

214 within the political subdivision fails to meet the criteria described in Subsection [~~(4)~~] (3)(a).