

307 (vi) prohibits or restricts a minor's ability to leave the program at any time of the  
308 minor's own free will.

309 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl  
310 Scouts, 4-H, and other such organizations.

311 (50) (a) "Youth transportation company" means any person that transports a child for  
312 payment to or from a congregate care program in Utah.

313 (b) "Youth transportation company" does not include:

314 (i) a relative of the child;

315 (ii) a state agency; or

316 (iii) ~~§~~ → [a person that transports the child from a congregate care program and returns the  
317 child to the same congregate care program within 48 hours.] a congregate care program's  
317a employee who transports the child from the congregate care program that employs the  
317b employee and returns the child to the same congregate care program. ←§

318 Section 2. Section **62A-2-116** is amended to read:

319 **62A-2-116. Violation -- Criminal penalties.**

320 (1) (a) A person who owns, establishes, conducts, maintains, manages, or operates a  
321 human services program in violation of this chapter is guilty of a class A misdemeanor if the  
322 violation endangers or harms the health, welfare, or safety of persons participating in that  
323 program.

324 (b) Conviction in a criminal proceeding does not preclude the office from:

325 (i) assessing a civil penalty or an administrative penalty;

326 (ii) denying, placing conditions on, suspending, or revoking a license; or

327 (iii) seeking injunctive or equitable relief.

328 (2) Any person that violates a provision of this chapter, lawful orders of the office, or  
329 rules adopted under this chapter may be assessed a penalty not to exceed the sum of \$10,000  
330 per violation, in:

331 (a) a judicial civil proceeding; or

332 (b) an administrative action in accordance with Title 63G, Chapter 4, Administrative  
333 Procedures Act.

334 (3) Assessment of a judicial penalty or an administrative penalty does not preclude the  
335 office from:

336 (a) seeking criminal penalties;

337 (b) denying, placing conditions on, suspending, or revoking a license; or

896 complies with the child's treatment plan, if any; and

897 ~~[(c)]~~ (iii) may not use family contact as an incentive for proper behavior or withhold  
898 family contact as a punishment.

899 (b) ~~§→ [A congregate care program may deny the communication, or modify the frequency~~  
900 ~~or the form of the communication described in Subsection (6)(a)(i) if:~~

901 ~~—— (i) the office approves the denial or modification; or~~

902 ~~—— (ii) state law or a court order prohibits the communication, the frequency, or the form~~  
903 ~~of the communication.]~~

903a **For the communication described in Subsection (6)(a)(i), a congregate care program may not:**

903b **(i) deny the communication unless state law or a court order prohibits the communication; or**

903c **(ii) modify the frequency or form of the communication unless:**

903d **(A) the office approves the modification; or**

903e **(B) state law or a court order prohibits the frequency or the form of the**

903f **communication.** ←§

904 Section 5. Section **62A-2-126** is enacted to read:

905 **62A-2-126. Youth transportation company registration.**

906 (1) The office shall establish a registration system for youth transportation companies.

907 (2) The office shall establish a fee:

908 (a) under Section [63J-1-504](#) that does not exceed \$500; and

909 (b) that when paid by all registrants generates sufficient revenue to cover or

910 substantially cover the costs for the creation and maintenance of the registration system.

911 (3) A youth transportation company shall:

912 (a) register with the office; and

913 (b) provide the office:

914 (i) proof of a business insurance policy that provides at least \$1,000,000 in coverage;

915 and

916 (ii) a valid business license from the state where the youth transportation company is

917 headquartered.

918 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

919 office shall make rules to implement this section.