

Trevor Lee proposes the following substitute bill:

1 **Immigrant Driving Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill repeals the driving privilege card program.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ repeals the driving privilege card program;

8 ▶ prohibits the Driver License Division from issuing a driving privilege card on or after

9 May 6, 2026;

10 ▶ makes technical changes throughout the Utah Code related to the repeal of the driving

11 privilege card program;

12 ▶ repeals provisions allowing the driver license examination for knowledge of the state

13 traffic laws to be offered in languages other than English;

14 ▶ requires law enforcement to report to the Immigration and Customs Enforcement Agency

15 of the United States Department of Homeland Security if an individual who is

16 unlawfully present in the United states is involved in a motor vehicle accident;

17 ▶ creates a rebuttable presumption of fault for purposes of an insurance claim if an

18 unlawfully present individual is involved in a motor vehicle accident; and

19 ▶ makes other technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a special effective date.

24 **Utah Code Sections Affected:**

25 **AMENDS:**

26 **13-32a-102 (Effective 07/01/27)**, as last amended by Laws of Utah 2024, Chapter 507

27 **26B-7-501 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 173

29 **32B-1-102 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, First Special
30 Session, Chapter 16
31 **32B-1-406 (Effective 07/01/27)**, as enacted by Laws of Utah 2010, Chapter 276
32 **41-6a-404 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 372
33 **46-1-2 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, First Special
34 Session, Chapter 16
35 **53-3-102 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 471
36 **53-3-105 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 471
37 **53-3-106 (Effective 07/01/27)**, as last amended by Laws of Utah 2024, Chapter 134
38 **53-3-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 262
39 **53-3-205 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 291
40 **53-3-206 (Effective 07/01/27)**, as last amended by Laws of Utah 2024, Chapter 113
41 **53-3-207 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, First Special
42 Session, Chapter 9
43 **53-3-214 (Effective 07/01/27)**, as last amended by Laws of Utah 2023, Chapter 414
44 **53-3-221 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 296
45 **53-3-236 (Effective 07/01/27)**, as enacted by Laws of Utah 2025, Chapter 471
46 **53-5a-602 (Effective 07/01/27)**, as renumbered and amended by Laws of Utah 2025,
47 Chapter 208
48 **53-10-202 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, Chapters 173,
49 208
50 **58-37c-10 (Effective 07/01/27)**, as last amended by Laws of Utah 2008, Chapter 322
51 **63G-12-205 (Effective 07/01/27)**, as enacted by Laws of Utah 2011, Chapter 18
52 **63G-12-401 (Effective 07/01/27)**, as last amended by Laws of Utah 2011, Chapter 20
53 and renumbered and amended by Laws of Utah 2011, Chapter 18
54 **76-9-1117 (Effective 07/01/27)**, as renumbered and amended by Laws of Utah 2025,
55 Chapter 173

56 ENACTS:

57 **41-6a-410 (Effective 07/01/27)**, Utah Code Annotated 1953

58 REPEALS:

59 **53-3-205.5 (Effective 07/01/27)**, as last amended by Laws of Utah 2023, Chapter 454

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

62 Section 1. Section **13-32a-102** is amended to read:

63 **13-32a-102 (Effective 07/01/27). Definitions.**

64 As used in this chapter:

65 (1) "Account" means the Pawnbroker, Secondhand Merchandise, and Catalytic Converter
66 Operations Restricted Account created in Section 13-32a-113.

67 (2) "Antique item" means an item:

68 (a) that is generally older than 25 years;
69 (b) whose value is based on age, rarity, condition, craftsmanship, or collectability;
70 (c) that is furniture or other decorative objects produced in a previous time period, as
71 distinguished from new items of a similar nature; and
72 (d) obtained from auctions, estate sales, other antique shops, and individuals.

73 (3) "Antique shop" means a business operating at an established location that deals
74 primarily in the purchase, exchange, or sale of antique items.

75 (4) "Automated recycling kiosk" means an interactive machine that:

76 (a) is installed inside a commercial site used for the selling of goods and services to
77 consumers;
78 (b) is monitored remotely by a live representative during the hours of operation;
79 (c) only engages in secondhand merchandise transactions involving wireless
80 communication devices; and
81 (d) has the following technological functions:
82 (i) verifies the seller's identity by a live representative using the individual's
83 identification;
84 (ii) generates a ticket; and
85 (iii) electronically transmits the secondhand merchandise transaction information to
86 the central database.

87 (5) "Automated recycling kiosk operator" means a person whose sole business activity is
88 the operation of one or more automated recycling kiosks.

89 (6) "Catalytic converter" means the same as that term is defined in Section 76-6-1402.

90 (7)(a) "Catalytic converter purchase" means a purchase from an individual of a used
91 catalytic converter that is no longer affixed to a vehicle.

92 (b) "Catalytic converter purchase" does not mean a purchase of a catalytic converter:

93 (i) from a business regularly engaged in automobile repair, crushing, dismantling,
94 recycling, or salvage;
95 (ii) from a new or used vehicle dealer licensed under Title 41, Chapter 3, Motor
96 Vehicle Business Regulation Act;

- (iii) from another catalytic converter purchaser; or
- (iv) that has never been affixed to a vehicle.

(8) "Catalytic converter purchaser" means a person who purchases a used catalytic converter in a catalytic converter purchase.

(9) "Central database" or "database" means the electronic database created and operated under Section 13-32a-105.

(10) "Children's product" means a used item that is for the exclusive use of children, or for the care of children, including clothing and toys.

(11) "Children's product resale business" means a business operating at a commercial location and primarily selling children's products.

(12) "Coin" means a piece of currency, usually metallic and usually in the shape of a disc that is:

- (a) stamped metal, and issued by a government as monetary currency; or
- (b)(i) worth more than its current value as currency; and
- (ii) worth more than its metal content value.

(13) "Coin dealer" means a person whose sole business activity is the selling and purchasing of numismatic items and precious metals.

(14) "Collectible paper money" means paper currency that is no longer in circulation and is sold and purchased for the paper currency's collectible value.

(15)(a) "Commercial grade precious metals" or "precious metals" means ingots, monetized bullion, art bars, medallions, medals, tokens, and currency that are marked by the refiner or fabricator indicating their fineness and include:

- (i) .99 fine or finer ingots of gold, silver, platinum, palladium, or other precious metals; or
- (ii) .925 fine sterling silver ingots, art bars, and medallions.

(b) "Commercial grade precious metals" or "precious metals" does not include jewelry.

(16) "Consignment shop" means a business, operating at an established location:

- (a) that deals primarily in the offering for sale property owned by a third party; and
- (b) where the owner of the property only receives consideration upon the sale of the property by the business.

(17) "Division" means the Division of Consumer Protection created in Chapter 1, Department of Commerce.

(18) "Exonomia" means a privately issued token for trade that is sold and purchased for the token's collectible value.

131 (19) "Gift card" means a record that:

132 (a) is usable at:

133 (i) a single merchant; or

134 (ii) a specified group of merchants;

135 (b) is prefunded before the record is used; and

136 (c) can be used for the purchase of goods or services.

137 (20) "Identification" means any of the following non-expired forms of identification issued
138 by a state government, the United States government, or a federally recognized Indian
139 tribe, if the identification includes a unique number, photograph of the bearer, and date
140 of birth:

141 (a) a United States Passport or United States Passport Card;

142 (b) a state-issued driver license;

143 (c) a state-issued identification card;

144 (d) a state-issued concealed carry permit;

145 (e) a United States military identification;

146 (f) a United States resident alien card; or

147 (g) an identification of a federally recognized Indian tribe[; or] .

148 [~~(h) notwithstanding Section 53-3-207, a Utah driving privilege card.~~]

149 (21) "IMEI number" means an International Mobile Equipment Identity number.

150 (22) "Indicia of being new" means property that:

151 (a) is represented by the individual pawning or selling the property as new;

152 (b) is unopened in the original packaging; or

153 (c) possesses other distinguishing characteristics that indicate the property is new.

154 (23) "Local law enforcement agency" means the law enforcement agency that has direct
155 responsibility for ensuring compliance with central database reporting requirements for
156 the jurisdiction where the pawn or secondhand business or catalytic converter purchaser
157 is located.

158 (24) "Numismatic item" means a coin, collectible paper money, or exonumia.

159 (25) "Original victim" means a victim who is not a party to the pawn or sale transaction or
160 catalytic converter purchase and includes:

161 (a) an authorized representative designated in writing by the original victim; and

162 (b) an insurer who has indemnified the original victim for the loss of the described
163 property.

164 (26) "Pawn or secondhand business" means a business operated by a pawnbroker or

165 secondhand merchandise dealer, or the owner or operator of the business.

166 (27) "Pawn transaction" means:

- 167 (a) an extension of credit in which an individual delivers property to a pawnbroker for
- 168 an advance of money and retains the right to redeem the property for the redemption
- 169 price within a fixed period of time;
- 170 (b) a loan of money on one or more deposits of personal property;
- 171 (c) the purchase, exchange, or possession of personal property on condition of selling
- 172 the same property back again to the pledgor or depositor; or
- 173 (d) a loan or advance of money on personal property by the pawnbroker taking chattel
- 174 mortgage security on the personal property, taking or receiving the personal property
- 175 into the pawnbroker's possession, and selling the unredeemed pledges.

176 (28) "Pawnbroker" means a person whose business:

- 177 (a) engages in a pawn transaction; or
- 178 (b) holds itself out as being in the business of a pawnbroker or pawnshop, regardless of
- 179 whether the person or business enters into pawn transactions or secondhand
- 180 merchandise transactions.

181 (29) "Pawnshop" means the physical location or premises where a pawnbroker conducts

182 business.

183 (30) "Pledgor" means an individual who conducts a pawn transaction with a pawnshop.

184 (31) "Property" means an article of tangible personal property, numismatic item, precious

185 metal, gift card, transaction card, or other physical or digital card or certificate

186 evidencing store credit, and includes a wireless communication device.

187 (32) "Retail media item" means recorded music, a movie, or a video game that is produced

188 and distributed in hard copy format for retail sale.

189 (33) "Scrap jewelry" means an item purchased solely:

- 190 (a) for its gold, silver, or platinum content; and
- 191 (b) for the purpose of reuse of the metal content.

192 (34)(a) "Secondhand merchandise dealer" means a person whose business:

- 193 (i) engages in a secondhand merchandise transaction; and
- 194 (ii) does not engage in a pawn transaction.

195 (b) "Secondhand merchandise dealer" includes a coin dealer and an automated recycling

196 kiosk operator.

197 (c) "Secondhand merchandise dealer" does not include:

- 198 (i) an antique shop when dealing in antique items;

- 199 (ii) a person who operates an auction house, flea market, or vehicle, vessel, and
200 outboard motor dealers as defined in Section 41-1a-102;
- 201 (iii) the sale of secondhand goods at events commonly known as "garage sales,"
202 "yard sales," "estate sales," "storage unit sales," or "storage unit auctions";
- 203 (iv) the sale or receipt of secondhand books, magazines, post cards, or nonelectronic:
204 (A) card games;
205 (B) table-top games; or
206 (C) magic tricks;
- 207 (v) the sale or receipt of used merchandise donated to recognized nonprofit, religious,
208 or charitable organizations or any school-sponsored association, and for which no
209 compensation is paid;
- 210 (vi) the sale or receipt of secondhand clothing, shoes, furniture, or appliances;
- 211 (vii) a person offering the person's own personal property for sale, purchase,
212 consignment, or trade via the [Internet] internet;
- 213 (viii) a person offering the personal property of others for sale, purchase,
214 consignment, or trade via the [Internet] internet, when that person does not have,
215 and is not required to have, a local business or occupational license or other
216 authorization for this activity;
- 217 (ix) an owner or operator of a retail business that:
218 (A) receives used merchandise as a trade-in for similar new merchandise[-]; or
219 (B) receives used retail media items as a trade-in for similar new or used retail
220 media items;
- 221 (x) an owner or operator of a business that contracts with other persons to offer those
222 persons' secondhand goods for sale, purchase, consignment, or trade via the [
223 Internet] internet;
- 224 (xi) any dealer as defined in Section 76-6-1402, that concerns scrap metal and
225 secondary metals;
- 226 (xii) the purchase of items in bulk that are:
227 (A) sold at wholesale in bulk packaging;
228 (B) sold by a person licensed to conduct business in Utah; and
229 (C) regularly sold in bulk quantities as a recognized form of sale;
- 230 (xiii) the owner or operator of a children's product resale business;
- 231 (xiv) a consignment shop when dealing in consigned property; or
- 232 (xv) a catalytic converter purchaser.

233 (35) "Secondhand merchandise transaction" means the purchase or exchange of used or
234 secondhand property.

235 (36) "Ticket" means a document upon which information is entered when a pawn
236 transaction or secondhand merchandise transaction is made.

237 (37) "Transaction card" means a card, code, or other means of access to a value with the
238 retail business issued to a person that allows the person to obtain, purchase, or receive
239 any of the following:

- 240 (a) goods;
- 241 (b) services;
- 242 (c) money; or
- 243 (d) anything else of value.

244 (38) "Wireless communication device" means a cellular telephone or a portable electronic
245 device designed to receive and transmit a text message, email, video, or voice
246 communication.

247 Section 2. Section **26B-7-501** is amended to read:

248 **26B-7-501 (Effective 07/01/27). Definitions.**

249 As used in this part:

250 (1) "Community location" means the same as that term is defined:

- 251 (a) as it relates to a municipality, in Section 10-8-41.6; and
- 252 (b) as it relates to a county, in Section 17-50-333.

253 (2) "Electronic cigarette" means the same as that term is defined in Section 76-9-1101.

254 (3) "Electronic cigarette product" means the same as that term is defined in Section
255 76-9-1101.

256 (4) "Electronic cigarette substance" means the same as that term is defined in Section
257 76-9-1101.

258 (5) "Employee" means an employee of a tobacco retailer.

259 (6) "Enforcing agency" means the department, or any local health department enforcing the
260 provisions of this part.

261 (7) "General tobacco retailer" means a tobacco retailer that is not a retail tobacco specialty
262 business.

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

264 (9) "Manufacture" includes:

- 265 (a) to cast, construct, or make electronic cigarettes; or
- 266 (b) to blend, make, process, or prepare an electronic cigarette substance.

267 [¶(10) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette
268 substance that is sold in a container that:]

269 [(a) is prefilled by the electronic cigarette substance manufacturer; and]

270 [(b) the electronic cigarette manufacturer does not intend for a consumer to open.]

271 [(¶) (10) "Manufacturer sealed electronic cigarette product" means:

272 (a) an electronic cigarette substance or container that the electronic cigarette
273 manufacturer does not intend for a consumer to open or refill; or

274 (b) a prefilled electronic cigarette as that term is defined in Section 76-9-1101.

275 (11) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette
276 substance that is sold in a container that:

277 (a) is prefilled by the electronic cigarette substance manufacturer; and

278 (b) the electronic cigarette manufacturer does not intend for a consumer to open.

279 (12) "Nicotine" means the same as that term is defined in Section 76-9-1101.

280 (13) "Nicotine product" means the same as that term is defined in Section 76-9-1101.

281 (14) "Non-tobacco shisha" means any product that:

282 (a) does not contain tobacco or nicotine; and

283 (b) is smoked or intended to be smoked in a hookah or water pipe.

284 (15) "Owner" means a person holding a 20% ownership interest in the business that is
285 required to obtain a permit under this part.

286 (16) "Permit" means a tobacco retail permit issued under Section 26B-7-507.

287 (17) "Place of public access" means any enclosed indoor place of business, commerce,
288 banking, financial service, or other service-related activity, whether publicly or privately
289 owned and whether operated for profit or not, to which persons not employed at the
290 place of public access have general and regular access or which the public uses,
291 including:

292 (a) buildings, offices, shops, elevators, or restrooms;

293 (b) means of transportation or common carrier waiting rooms;

294 (c) restaurants, cafes, or cafeterias;

295 (d) taverns as defined in Section 32B-1-102, or cabarets;

296 (e) shopping malls, retail stores, grocery stores, or arcades;

297 (f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical sites,
298 auditoriums, or arenas;

299 (g) barber shops, hair salons, or laundromats;

300 (h) sports or fitness facilities;

301 (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and
302 breakfast" lodging facilities, and other similar lodging facilities, including the
303 lobbies, hallways, elevators, restaurants, cafeterias, other designated dining areas, and
304 restrooms of any of these;

305 (j)(i) any child care facility or program subject to licensure or certification under this
306 title, including those operated in private homes, when any child cared for under
307 that license is present; and

308 (ii) any child care, other than child care as defined in Section 26B-2-401, that is not
309 subject to licensure or certification under this title, when any child cared for by the
310 provider, other than the child of the provider, is present;

311 (k) public or private elementary or secondary school buildings and educational facilities
312 or the property on which those facilities are located;

313 (l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or
314 religious organization when used solely by the organization members or the
315 members' guests or families;

316 (m) any facility rented or leased for private functions from which the general public is
317 excluded and arrangements for the function are under the control of the function
318 sponsor;

319 (n) any workplace that is not a place of public access or a publicly owned building or
320 office but has one or more employees who are not owner-operators of the business;

321 (o) any area where the proprietor or manager of the area has posted a conspicuous sign
322 stating "no smoking", "thank you for not smoking", or similar statement; and

323 (p) a holder of a bar establishment license, as defined in Section 32B-1-102.

324 (18)[(a)] "Proof of age" means:

325 [(\u2022)] (a) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification
326 Card Act;

327 [(\u2022)] (b) a valid identification that:

328 [(\u2022)] (i) is substantially similar to an identification card issued under Title 53, Chapter
329 3, Part 8, Identification Card Act;

330 [(\u2022)] (ii) is issued in accordance with the laws of a state other than Utah in which the
331 identification is issued;

332 [(\u2022)] (iii) includes date of birth; and

333 [(\u2022)] (iv) has a picture affixed;

334 [(\u2022)] (c) a valid driver license certificate that is issued under Title 53, Chapter 3,

335 Uniform Driver License Act, or in accordance with the laws of the state in which the
336 valid driver license is issued;

337 [(iv)] (d) a valid United States military identification card that:

338 [(A)] (i) includes date of birth; and

339 [(B)] (ii) has a picture affixed; or

340 [(v)] (e) a valid passport.

341 [(b) "Proof of age" does not include a valid driving privilege card issued in accordance
342 with Section 53-3-207.]

343 (19) "Publicly owned building or office" means any enclosed indoor place or portion of a
344 place owned, leased, or rented by any state, county, or municipal government, or by any
345 agency supported by appropriation of, or by contracts or grants from, funds derived from
346 the collection of federal, state, county, or municipal taxes.

347 (20) "Retail tobacco specialty business" means the same as that term is defined:

348 (a) as it relates to a municipality, in Section 10-8-41.6; and

349 (b) as it relates to a county, in Section 17-50-333.

350 (21) "Shisha" means any product that:

351 (a) contains tobacco or nicotine; and

352 (b) is smoked or intended to be smoked in a hookah or water pipe.

353 (22) "Smoking" means:

354 (a) the possession of any lighted or heated tobacco product in any form;

355 (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or
356 hookah that contains:

357 (i) tobacco or any plant product intended for inhalation;

358 (ii) shisha or non-tobacco shisha;

359 (iii) nicotine;

360 (iv) a natural or synthetic tobacco substitute; or

361 (v) a natural or synthetic flavored tobacco product;

362 (c) using an electronic cigarette; or

363 (d) using an oral smoking device intended to circumvent the prohibition of smoking in
364 this part.

365 (23) "Tax commission license" means a license issued by the State Tax Commission under:

366 (a) Section 59-14-201 to sell a cigarette at retail;

367 (b) Section 59-14-301 to sell a tobacco product at retail; or

368 (c) Section 59-14-803 to sell an electronic cigarette product or a nicotine product.

369 (24) "Tobacco product" means:

370 (a) a tobacco product as defined in Section 76-9-1101; or

371 (b) tobacco paraphernalia as defined in Section 76-9-1101.

372 (25) "Tobacco retailer" means a person that is required to obtain a tax commission license.

373 Section 3. Section **32B-1-102** is amended to read:

374 **32B-1-102 (Effective 07/01/27). Definitions.**

375 As used in this title:

376 (1) "Airport lounge" means a business location:

377 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

378 (b) that is located at an international airport or domestic airport.

379 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail

380 License Act, and Chapter 6, Part 5, Airport Lounge License.

381 (3) "Alcoholic beverage" means the following:

382 (a) beer; or

383 (b) liquor.

384 (4)(a) "Alcoholic product" means a product that:

385 (i) contains at least .5% of alcohol by volume; and

386 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other

387 process that uses liquid or combinations of liquids, whether drinkable or not, to

388 create alcohol in an amount equal to or greater than .5% of alcohol by volume.

389 (b) "Alcoholic product" includes an alcoholic beverage.

390 (c) "Alcoholic product" does not include any of the following common items that

391 otherwise come within the definition of an alcoholic product:

392 (i) except as provided in Subsection (4)(d), an extract;

393 (ii) vinegar;

394 (iii) preserved nonintoxicating cider;

395 (iv) essence;

396 (v) tincture;

397 (vi) food preparation; or

398 (vii) an over-the-counter medicine.

399 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation

400 when it is used as a flavoring in the manufacturing of an alcoholic product.

401 (5) "Alcohol training and education seminar" means a seminar that is:

402 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and

403 (b) described in Section 26B-5-205.

404 (6)(a) "Amphitheater" means an outdoor, multi-use performance venue that:

405 (i) is primarily used to present live entertainment, including music, dance, comedy,
406 and theater;

407 (ii) has the capacity to hold over 10,000 patrons; and

408 (iii) is located in a county of the first class.

409 (b) "Amphitheater" does not include a space that is used to present sporting events or
410 sporting competitions.

411 (7) "Arena" means an enclosed building:

412 (a) that is managed by:

413 (i) the same person who owns the enclosed building;

414 (ii) a person who has a majority interest in each person who owns or manages a space
415 in the enclosed building; or

416 (iii) a person who has authority to direct or exercise control over the management or
417 policy of each person who owns or manages a space in the enclosed building;

418 (b) that operates as a venue; and

419 (c) that has an occupancy capacity of at least 12,500.

420 (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License
421 Act, and Chapter 8c, Arena License Act.

422 (9) "Banquet" means an event:

423 (a) that is a private event or a privately sponsored event;

424 (b) that is held at one or more designated locations approved by the commission in or on
425 the premises of:

426 (i) a hotel;

427 (ii) a resort facility;

428 (iii) a sports center;

429 (iv) a convention center;

430 (v) a performing arts facility;

431 (vi) an arena;

432 (vii) a restaurant venue; or

433 (viii) an amphitheater;

434 (c) for which there is a contract:

435 (i) between a person operating a facility listed in Subsection (9)(b) and another

436 person that has common ownership of less than 20% with the person operating the

437 facility; and

438 (ii) under which the person operating a facility listed in Subsection (9)(b) is required
439 to provide an alcoholic product at the event; and

440 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.

441 (10)(a) "Bar establishment license" means a license issued in accordance with Chapter 5,
442 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

443 (b) "Bar establishment license" includes:

444 (i) a dining club license;

445 (ii) an equity license;

446 (iii) a fraternal license; or

447 (iv) a bar license.

448 (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
449 and Chapter 6, Part 4, Bar Establishment License.

450 (12)(a) "Beer" means a product that:

451 (i) contains:

452 (A) at least .5% of alcohol by volume; and

453 (B) no more than 5% of alcohol by volume or 4% by weight;

454 (ii) is obtained by fermentation, infusion, or decoction of:

455 (A) malt; or

456 (B) a malt substitute; and

457 (iii) is clearly marketed, labeled, and identified as:

458 (A) beer;

459 (B) ale;

460 (C) porter;

461 (D) stout;

462 (E) lager;

463 (F) a malt;

464 (G) a malted beverage; or

465 (H) seltzer.

466 (b) "Beer" may contain:

467 (i) hops extract;

468 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or

469 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:

470 (A) is used in the production of beer;

471 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
472 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
473 (C) does not contribute more than 10% of the overall alcohol content of the beer.

474 (c) "Beer" does not include:

475 (i) a flavored malt beverage;

476 (ii) a product that contains alcohol derived from:

477 (A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or

478 (B) wine; or

479 (iii) a product that contains an additive masking or altering a physiological effect of
480 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
481 tetrahydrocannabinol.

482 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
483 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

484 (14) "Beer retailer" means a business that:

485 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
486 consumption on or off the business premises; and

487 (b) is licensed as:

488 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
489 Beer Retailer Local Authority; or

490 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
491 Chapter 6, Part 7, On-Premise Beer Retailer License.

492 (15) "Beer wholesaling license" means a license:

493 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and

494 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
495 licensees or off-premise beer retailers.

496 (16) "Billboard" means a public display used to advertise, including:

497 (a) a light device;

498 (b) a painting;

499 (c) a drawing;

500 (d) a poster;

501 (e) a sign;

502 (f) a signboard; or

503 (g) a scoreboard.

504 (17) "Brewer" means a person engaged in manufacturing:

- (a) beer;
- (b) heavy beer; or
- (c) a flavored malt beverage.

(18) "Brewery manufacturing license" means a license issued in accordance with Chapter 11, Part 5, Brewery Manufacturing License.

(19) "Certificate of approval" means a certificate of approval obtained from the department under Section 32B-11-201.

(20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a bus company to a group of persons pursuant to a common purpose:

- (a) under a single contract;
- (b) at a fixed charge in accordance with the bus company's tariff; and
- (c) to give the group of persons the exclusive use of the passenger bus, coach, or other motor vehicle, and a driver to travel together to one or more specified destinations.

(21) "Church" means a building:

- (a) set apart for worship;
- (b) in which religious services are held;
- (c) with which clergy is associated; and
- (d) that is tax exempt under the laws of this state.

(22) "Commission" means the Alcoholic Beverage Services Commission created in Section 32B-2-201.

(23) "Commissioner" means a member of the commission.

(24) "Community location" means:

- (a) a public or private school as defined in Subsection (116);
- (b) a church;
- (c) a public library;
- (d) a public playground; or
- (e) a public park.

(25) "Community location governing authority" means:

- (a) the governing body of the community location; or
- (b) if the commission does not know who is the governing body of a community location, a person who appears to the commission to have been given on behalf of the community location the authority to prohibit an activity at the community location.

(26) "Container" means a receptacle that contains an alcoholic product, including:

- (a) a bottle;

539 (b) a vessel; or

540 (c) a similar item.

541 (27) "Controlled group of manufacturers" means as the commission defines by rule made in
542 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

543 (28) "Convention center" means a facility that is:

544 (a) in total at least 30,000 square feet; and

545 (b) otherwise defined as a "convention center" by the commission by rule.

546 (29)(a) "Counter" means a surface or structure in a dining area of a licensed premises
547 where seating is provided to a patron for service of food.

548 (b) "Counter" does not include a dispensing structure.

549 (30) "Crime involving moral turpitude" is as defined by the commission by rule.

550 (31) "Department" means the Department of Alcoholic Beverage Services created in
551 Section 32B-2-203.

552 (32) "Department compliance officer" means an individual who is:

553 (a) an auditor or inspector; and

554 (b) employed by the department.

555 (33) "Department sample" means liquor that is placed in the possession of the department
556 for testing, analysis, and sampling.

557 (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail
558 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
559 commission as a dining club license.

560 (35) "Director," unless the context requires otherwise, means the director of the department.

561 (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:

562 (a) against a person subject to administrative action; and

563 (b) that is brought on the basis of a violation of this title.

564 (37)(a) Subject to Subsection (37)(b), "dispense" means:

565 (i) drawing an alcoholic product; and

566 (ii) using the alcoholic product at the location from which it was drawn to mix or
567 prepare an alcoholic product to be furnished to a patron of the retail licensee.

568 (b) The definition of "dispense" in this Subsection (37) applies only to:

569 (i) a full-service restaurant license;

570 (ii) a limited-service restaurant license;

571 (iii) a reception center license;

572 (iv) a beer-only restaurant license;

- (v) a bar license;
- (vi) an on-premise beer retailer;
- (vii) an airport lounge license;
- (viii) an on-premise banquet license; and
- (ix) a hospitality amenity license.

(38) "Dispensing structure" means a surface or structure on a licensed premises:

- (a) where an alcoholic product is dispensed; or
- (b) from which an alcoholic product is served.

(39) "Distillery manufacturing license" means a license issued in accordance with Chapter 11, Part 4, Distillery Manufacturing License.

(40) "Distressed merchandise" means an alcoholic product in the possession of the department that is saleable, but for some reason is unappealing to the public.

(41) "Domestic airport" means an airport that:

- (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- (b) receives scheduled commercial passenger aircraft service; and
- (c) is not an international airport.

(42) "Equity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as an equity license.

(43) "Event permit" means:

- (a) a single event permit; or
- (b) a temporary beer event permit.

(44) "Exempt license" means a license exempt under Section 32B-1-201 from being considered in determining the total number of retail licenses that the commission may issue at any time.

(45)(a) "Flavored malt beverage" means a beverage:

- (i) that contains at least .5% alcohol by volume;
- (ii) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt liquor; and
- (iii) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because

the beverage includes an ingredient containing alcohol.

- (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol content of the beverage.
- (c) "Flavored malt beverage" does not include beer or heavy beer.
- (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- (e) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a fraternal license.
- (f) "Full-service restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- (g)(a) "Furnish" means by any means to provide with, supply, or give an individual an alcoholic product, by sale or otherwise.
- (b) "Furnish" includes to:
 - (i) serve;
 - (ii) deliver; or
 - (iii) otherwise make available.
- (h) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- (i) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- (j) "Health care practitioner" means:
 - (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
 - (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
 - (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 - (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;
 - (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
 - (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy Practice Act;
 - (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act;
 - (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
 - (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;

- 641 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 642 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
- 643 Act;
- 644 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
- 645 Hygienist Practice Act; and
- 646 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
- 647 Act.

648 (52)(a) "Heavy beer" means a product that:

- 649 (i)(A) contains more than 5% alcohol by volume;
- 650 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 651 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
- 652 ethanol-based flavoring agent that contributes more than 10% of the overall
- 653 alcohol content of the product; or
- 654 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 655 volume or 4% by weight, and has a label or packaging that is rejected under
- 656 Subsection 32B-1-606(3)(b); and

657 (ii) is obtained by fermentation, infusion, or decoction of:

- 658 (A) malt; or
- 659 (B) a malt substitute.

660 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,

661 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that

662 contributes to the overall alcohol content of the heavy beer.

663 (c) "Heavy beer" does not include:

- 664 (i) a flavored malt beverage;
- 665 (ii) a product that contains alcohol derived from:
 - 666 (A) except as provided in Subsections (52)(a)(i)(B) and (52)(b), spirituous liquor;
 - 667 or
 - 668 (B) wine; or
- 669 (iii) a product that contains an additive masking or altering a physiological effect of
- 670 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
- 671 tetrahydrocannabinol.

672 (d) "Heavy beer" is considered liquor for the purposes of this title.

673 (53) "Hospitality amenity license" means a license issued in accordance with Chapter 5,

674 Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

675 (54)(a) "Hotel" means a commercial lodging establishment that:

676 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;

677 (ii) is capable of hosting conventions, conferences, and food and beverage functions

678 under a banquet contract; and

679 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide

680 complete meals;

681 (B) has at least 1,000 square feet of function space consisting of meeting or dining

682 rooms that can be reserved for a banquet and can accommodate at least 75

683 individuals; or

684 (C) if the establishment is located in a small or unincorporated locality, has an

685 appropriate amount of function space consisting of meeting or dining rooms

686 that can be reserved for private use under a banquet contract, as determined by

687 the commission.

688 (b) "Hotel" includes a commercial lodging establishment that:

689 (i) meets the requirements under Subsection (54)(a); and

690 (ii) has one or more privately owned dwelling units.

691 (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License

692 Act, and Chapter 8b, Hotel License Act.

693 (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part

694 8, Identification Card Act.

695 (57) "Industry representative" means an individual who is compensated by salary,

696 commission, or other means for representing and selling an alcoholic product of a

697 manufacturer, supplier, or importer of liquor.

698 (58) "Industry representative sample" means liquor that is placed in the possession of the

699 department for testing, analysis, and sampling by a local industry representative on the

700 premises of the department to educate the local industry representative of the quality and

701 characteristics of the product.

702 (59)(a) "Interdicted person" means a person to whom the sale, offer for sale, or

703 furnishing of an alcoholic product is prohibited by:

704 (i) law; or

705 (ii) court order.

706 (b) "Interdicted person" includes a person who voluntarily obtains a driver license

707 certificate under Section 53-3-236 or an identification card under Section 53-3-805

708 with an interdicted person identifier.

709 (60) "International airport" means an airport:

710 (a) with a United States Customs and Border Protection office on the premises of the
711 airport; and

712 (b) at which international flights may enter and depart.

713 (61) "Intoxicated" or "intoxication" means that
714 an individual exhibits plain and easily observable outward manifestations of behavior
715 or physical signs produced by or as a result of the use of:

716 (a) an alcoholic product;

717 (b) a controlled substance;

718 (c) a substance having the property of releasing toxic vapors; or

719 (d) a combination of products or substances described in Subsections (61)(a) through (c).

720 (62) "Investigator" means an individual who is:

721 (a) a department compliance officer; or

722 (b) a nondepartment enforcement officer.

723 (63) "License" means:

724 (a) a retail license;

725 (b) a sublicense;

726 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
727 License;

728 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
729 Act;

730 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

731 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or

732 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

733 (64) "Licensee" means a person who holds a license.

734 (65) "Limited-service restaurant license" means a license issued in accordance with Chapter
735 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

736 (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other
737 than a bus or taxicab:

738 (a) in which the driver and a passenger are separated by a partition, glass, or other
739 barrier;

740 (b) that is provided by a business entity to one or more individuals at a fixed charge in
741 accordance with the business entity's tariff; and

742 (c) to give the one or more individuals the exclusive use of the limousine and a driver to

743 travel to one or more specified destinations.

744 (67)(a)(i) "Liquor" means a liquid that:

745 (A) is:

746 (I) alcohol;

747 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;

748 (III) a combination of liquids a part of which is spirituous, vinous, or
749 fermented; or

750 (IV) other drink or drinkable liquid; and

751 (B)(I) contains at least .5% alcohol by volume; and

752 (II) is suitable to use for beverage purposes.

753 (ii) "Liquor" includes:

754 (A) heavy beer;

755 (B) wine; and

756 (C) a flavored malt beverage.

757 (b) "Liquor" does not include beer.

758 (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.

759 (69) "Liquor transport license" means a license issued in accordance with Chapter 17,
760 Liquor Transport License Act.

761 (70) "Liquor warehousing license" means a license that is issued:

762 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

763 (b) to a person, other than a licensed manufacturer, who engages in the importation for
764 storage, sale, or distribution of liquor regardless of amount.

765 (71) "Local authority" means:

766 (a) for premises that are located in an unincorporated area of a county, the governing
767 body of a county;

768 (b) for premises that are located in an incorporated city or town, the governing body of
769 the city or town; or

770 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
771 a project area plan adopted by the Military Installation Development Authority under
772 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
773 Installation Development Authority.

774 (72) "Lounge or bar area" is as defined by rule made by the commission.

775 (73) "Malt substitute" means:

776 (a) rice;

777 (b) grain;

778 (c) bran;

779 (d) glucose;

780 (e) sugar; or

781 (f) molasses.

782 (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
783 otherwise make an alcoholic product for personal use or for sale or distribution to others.

784 (75) "Member" means an individual who, after paying regular dues, has full privileges in an
785 equity licensee or fraternal licensee.

786 (76)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or
787 homeport facility for a ship:

788 (i)(A) under the control of the United States Department of Defense; or

789 (B) of the National Guard;

790 (ii) that is located within the state; and

791 (iii) including a leased facility.

792 (b) "Military installation" does not include a facility used primarily for:

793 (i) civil works;

794 (ii) a rivers and harbors project; or

795 (iii) a flood control project.

796 (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products
797 are kept and offered for self-service sale or consumption.

798 (78) "Minor" means an individual under 21 years old.

799 (79) "Nondepartment enforcement agency" means an agency that:

800 (a)(i) is a state agency other than the department; or

801 (ii) is an agency of a county, city, or town; and

802 (b) has a responsibility to enforce one or more provisions of this title.

803 (80) "Nondepartment enforcement officer" means an individual who is:

804 (a) a peace officer, examiner, or investigator; and

805 (b) employed by a nondepartment enforcement agency.

806 (81)(a) "Off-premise beer retailer" means a beer retailer who is:

807 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and

808 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
809 premises.

810 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.

811 (82) "Off-premise beer retailer state license" means a state license issued in accordance
812 with Chapter 7, Part 4, Off-premise Beer Retailer State License.

813 (83) "On-premise banquet license" means a license issued in accordance with Chapter 5,
814 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

815 (84) "On-premise beer retailer" means a beer retailer who is:

816 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
817 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
818 License; and

819 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
820 premises:

821 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
822 premises; and

823 (ii) on and after March 1, 2012, operating:

824 (A) as a tavern; or

825 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).

826 (85) "Opaque" means impenetrable to sight.

827 (86) "Package agency" means a retail liquor location operated:

828 (a) under an agreement with the department; and

829 (b) by a person:

830 (i) other than the state; and

831 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,

832 Package Agency, to sell packaged liquor for consumption off the premises of the
833 package agency.

834 (87) "Package agent" means a person who holds a package agency.

835 (88) "Patron" means an individual to whom food, beverages, or services are sold, offered
836 for sale, or furnished, or who consumes an alcoholic product including:

837 (a) a customer;

838 (b) a member;

839 (c) a guest;

840 (d) an attendee of a banquet or event;

841 (e) an individual who receives room service;

842 (f) a resident of a resort; or

843 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
844 license.

845 (89)(a) "Performing arts facility" means a multi-use performance space that:

846 (i) is primarily used to present various types of performing arts, including dance,
847 music, and theater;

848 (ii) contains over 2,500 seats;

849 (iii) is owned and operated by a governmental entity; and

850 (iv) is located in a city of the first class.

851 (b) "Performing arts facility" does not include a space that is used to present sporting
852 events or sporting competitions.

853 (90) "Permittee" means a person issued a permit under:

854 (a) Chapter 9, Event Permit Act; or

855 (b) Chapter 10, Special Use Permit Act.

856 (91) "Person subject to administrative action" means:

857 (a) a licensee;

858 (b) a permittee;

859 (c) a manufacturer;

860 (d) a supplier;

861 (e) an importer;

862 (f) one of the following holding a certificate of approval:

863 (i) an out-of-state brewer;

864 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or

865 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or

866 (g) staff of:

867 (i) a person listed in Subsections (91)(a) through (f); or

868 (ii) a package agent.

869 (92) "Premises" means a building, enclosure, or room used in connection with the storage,
870 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
871 unless otherwise defined in this title or rules made by the commission.

872 (93) "Prescription" means an order issued by a health care practitioner when:

873 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
874 to prescribe a controlled substance, other drug, or device for medicinal purposes;

875 (b) the order is made in the course of that health care practitioner's professional practice;
876 and

877 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

878 (94)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.

879 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.

880 (95) "Principal license" means:

881 (a) a resort license;

882 (b) a hotel license; or

883 (c) an arena license.

884 (96)(a) "Private event" means a specific social, business, or recreational event:

885 (i) for which an entire room, area, or hall is leased or rented in advance by an
886 identified group; and

887 (ii) that is limited in attendance to people who are specifically designated and their
888 guests.

889 (b) "Private event" does not include an event to which the general public is invited,
890 whether for an admission fee or not.

891 (97) "Privately sponsored event" means a specific social, business, or recreational event:

892 (a) that is held in or on the premises of an on-premise banquet licensee; and

893 (b) to which entry is restricted by an admission fee.

894 (98)[(a)] "Proof of age" means:

895 [(t)] (a) an identification card;

896 [(tii)] (b) an identification that:

897 [(A)] (i) is substantially similar to an identification card;

898 [(B)] (ii) is issued in accordance with the laws of a state other than Utah in which the
899 identification is issued;

900 [(C)] (iii) includes date of birth; and

901 [(D)] (iv) has a picture affixed;

902 [(tii)] (c) a valid driver license certificate that:

903 [(A)] (i) includes date of birth;

904 [(B)] (ii) has a picture affixed; and

905 [(C)] (iii) is issued under Title 53, Chapter 3, Uniform Driver License Act, in
906 accordance with the laws of the state in which it is issued, or in accordance with
907 federal law by the United States Department of State;

908 [(tiv)] (d) a military identification card that:

909 [(A)] (i) includes date of birth; and

910 [(B)] (ii) has a picture affixed; or

911 [(v)] (e) a valid passport.

912 [(b)] "Proof of age" does not include a driving privilege card issued in accordance with

913 Section 53-3-207.]

914 (99) "Provisions applicable to a sublicense" means:

- 915 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
916 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 917 (b) for a limited-service restaurant sublicense, the provisions applicable to a
918 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
919 License;
- 920 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
921 license under Chapter 6, Part 4, Bar Establishment License;
- 922 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
923 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 924 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
925 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 926 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
927 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 928 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
929 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 930 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
931 Part 2, Resort Spa Sublicense.

932 (100)(a) "Public building" means a building or permanent structure that is:

- 933 (i) owned or leased by:
 - 934 (A) the state; or
 - 935 (B) a local government entity; and
- 936 (ii) used for:
 - 937 (A) public education;
 - 938 (B) transacting public business; or
 - 939 (C) regularly conducting government activities.

940 (b) "Public building" does not include a building owned by the state or a local
941 government entity when the building is used by a person, in whole or in part, for a
942 proprietary function.

943 (101) "Public conveyance" means a conveyance that the public or a portion of the public
944 has access to and a right to use for transportation, including an airline, railroad, bus,
945 boat, or other public conveyance.

946 (102) "Reception center" means a business that:

947 (a) operates facilities that are at least 5,000 square feet; and

948 (b) has as its primary purpose the leasing of the facilities described in Subsection
949 (102)(a) to a third party for the third party's event.

950 (103) "Reception center license" means a license issued in accordance with Chapter 5,
951 Retail License Act, and Chapter 6, Part 8, Reception Center License.

952 (104)(a) "Record" means information that is:

953 (i) inscribed on a tangible medium; or
954 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

955 (b) "Record" includes:

956 (i) a book;
957 (ii) a book of account;
958 (iii) a paper;
959 (iv) a contract;
960 (v) an agreement;
961 (vi) a document; or
962 (vii) a recording in any medium.

963 (105) "Residence" means a person's principal place of abode within Utah.

964 (106) "Resident," in relation to a resort, means the same as that term is defined in Section
965 32B-8-102.

966 (107) "Resort" means the same as that term is defined in Section 32B-8-102.

967 (108) "Resort facility" is as defined by the commission by rule.

968 (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License
969 Act, and Chapter 8, Resort License Act.

970 (110) "Responsible alcohol service plan" means a written set of policies and procedures that
971 outlines measures to prevent employees from:

972 (a) over-serving alcoholic beverages to customers;
973 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
974 intoxicated; and
975 (c) serving alcoholic beverages to minors.

976 (111) "Restaurant" means a business location:

977 (a) at which a variety of foods are prepared;
978 (b) at which complete meals are served; and
979 (c) that is engaged primarily in serving meals.

980 (112) "Restaurant license" means one of the following licenses issued under this title:

981 (a) a full-service restaurant license;

982 (b) a limited-service restaurant license; or

983 (c) a beer-only restaurant license.

984 (113) "Restaurant venue" means a room within a restaurant that:

985 (a) is located on the licensed premises of a restaurant licensee;

986 (b) is separated from the area within the restaurant for a patron's consumption of food by
987 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
988 visible to a patron in the area within the restaurant for a patron's consumption of
989 food; and

990 (c)(i) has at least 1,000 square feet that:

991 (A) may be reserved for a banquet; and

992 (B) accommodates at least 75 individuals; or

993 (ii) if the restaurant is located in a small or unincorporated locality, has an
994 appropriate amount of space, as determined by the commission, that may be
995 reserved for a banquet.

996 (114) "Retail license" means one of the following licenses issued under this title:

997 (a) a full-service restaurant license;

998 (b) a master full-service restaurant license;

999 (c) a limited-service restaurant license;

1000 (d) a master limited-service restaurant license;

1001 (e) a bar establishment license;

1002 (f) an airport lounge license;

1003 (g) an on-premise banquet license;

1004 (h) an on-premise beer license;

1005 (i) a reception center license;

1006 (j) a beer-only restaurant license;

1007 (k) a hospitality amenity license;

1008 (l) a resort license;

1009 (m) a hotel license; or

1010 (n) an arena license.

1011 (115) "Room service" means furnishing an alcoholic product to a person in a guest room or
1012 privately owned dwelling unit of a:

1013 (a) hotel; or

1014 (b) resort facility.

1015 (116)(a) "School" means a building in which any part is used for more than three hours
1016 each weekday during a school year as a public or private:
1017 (i) elementary school;
1018 (ii) secondary school; or
1019 (iii) kindergarten.

1020 (b) "School" does not include:
1021 (i) a nursery school;
1022 (ii) a day care center;
1023 (iii) a trade and technical school;
1024 (iv) a preschool;
1025 (v) a home school;
1026 (vi) a home-based microschool as defined in Section 53G-6-201; or
1027 (vii) a micro-education entity as defined in Section 53G-6-201.

1028 (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for
1029 additional flavoring that is different in type, flavor, or brand from the primary spirituous
1030 liquor in the beverage.

1031 (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
1032 consideration, an alcoholic product is either directly or indirectly transferred, solicited,
1033 ordered, delivered for value, or by a means or under a pretext is promised or obtained,
1034 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined
1035 in this title or the rules made by the commission.

1036 (119) "Serve" means to place an alcoholic product before an individual.

1037 (120) "Sexually oriented entertainer" means a person who while in a state of seminudity
1038 appears at or performs:
1039 (a) for the entertainment of one or more patrons;
1040 (b) on the premises of:
1041 (i) a bar licensee; or
1042 (ii) a tavern;
1043 (c) on behalf of or at the request of the licensee described in Subsection (120)(b);
1044 (d) on a contractual or voluntary basis; and
1045 (e) whether or not the person is designated as:
1046 (i) an employee;
1047 (ii) an independent contractor;
1048 (iii) an agent of the licensee; or

1049 (iv) a different type of classification.

1050 (121) "Shared seating area" means the licensed premises of two or more restaurant
1051 licensees that the restaurant licensees share as an area for alcoholic beverage
1052 consumption in accordance with Subsection 32B-5-207(3).

1053 (122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
1054 Single Event Permit.

1055 (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer,
1056 heavy beer, and flavored malt beverage per year, as the department calculates by:

1057 (a) if the brewer is part of a controlled group of manufacturers, including the combined
1058 volume totals of production for all breweries that constitute the controlled group of
1059 manufacturers; and

1060 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
1061 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
1062 determines by rule made in accordance with Title 63G, Chapter 3, Utah
1063 Administrative Rulemaking Act; and

1064 (ii) does not sell for consumption as, or in, a beverage.

1065 (124) "Small or unincorporated locality" means:

1066 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
1067 (b) a town, as classified under Section 10-2-301; or
1068 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
1069 under Section 17-60-104.

1070 (125) "Spa sublicense" means a sublicense:

1071 (a) to a resort license or hotel license; and
1072 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
1073 Sublicense.

1074 (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special
1075 Use Permit Act.

1076 (127)(a) "Spirituous liquor" means liquor that is distilled.

1077 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
1078 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.

1079 (128) "Sports center" is as defined by the commission by rule.

1080 (129)(a) "Staff" means an individual who engages in activity governed by this title:

1081 (i) on behalf of a business, including a package agent, licensee, permittee, or
1082 certificate holder;

1083 (ii) at the request of the business, including a package agent, licensee, permittee, or
1084 certificate holder; or

1085 (iii) under the authority of the business, including a package agent, licensee,
1086 permittee, or certificate holder.

1087 (b) "Staff" includes:

1088 (i) an officer;

1089 (ii) a director;

1090 (iii) an employee;

1091 (iv) personnel management;

1092 (v) an agent of the licensee, including a managing agent;

1093 (vi) an operator; or

1094 (vii) a representative.

1095 (130) "State of nudity" means:

1096 (a) the appearance of:

1097 (i) the nipple or areola of a female human breast;

1098 (ii) a human genital;

1099 (iii) a human pubic area; or

1100 (iv) a human anus; or

1101 (b) a state of dress that fails to opaquely cover:

1102 (i) the nipple or areola of a female human breast;

1103 (ii) a human genital;

1104 (iii) a human pubic area; or

1105 (iv) a human anus.

1106 (131) "State of seminudity" means a state of dress in which opaque clothing covers no more
1107 than:

1108 (a) the nipple and areola of the female human breast in a shape and color other than the
1109 natural shape and color of the nipple and areola; and

1110 (b) the human genitals, pubic area, and anus:

1111 (i) with no less than the following at its widest point:

1112 (A) four inches coverage width in the front of the human body; and

1113 (B) five inches coverage width in the back of the human body; and

1114 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

1115 (132)(a) "State store" means a facility for the sale of packaged liquor:

1116 (i) located on premises owned or leased by the state; and

(ii) operated by a state employee.

(b) "State store" does not include:

(i) a package agency;

(ii) a licensee; or

(iii) a permittee.

(133)(a) "Storage area" means an area on licensed premises where the licensee stores an alcoholic product.

(b) "Store" means to place or maintain in a location an alcoholic product.

(134) "Sublicense" means:

(a) any of the following licenses issued as a subordinate license to, and contingent on the issuance of, a principal license:

(i) a full-service restaurant license;

(ii) a limited-service restaurant license;

(iii) a bar establishment license;

(iv) an on-premise banquet license;

(v) an on-premise beer retailer lic

(vi) a beer-only restaurant license; or

(vii) a hospitality amenity lic

(b) a spa sublicense.

(135) "Supplier" means a person who sells an alcoholic pr

6) "Tavern" means an on-premise beer retailer who is:

- (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,

and Chapter 6, Part 7, Off-Premise Beer Retailer License, and

(b) designated by the commission as a

(137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9, Part 4, Temporary Event Permit.

(138) "Temporary domicile" means the principal place of abode within Utah of a person who does not have a present intention to continue residency within Utah permanently or indefinitely.

(139) "Translucent" means a substance that allows light to pass through, but does not allow an object or person to be seen through the substance.

(140) "Unsaleable liquor merchandise" means a container that:

(a) is unsaleable because the container is:

- (i) unlabeled;
- (ii) leaky;
- (iii) damaged;
- (iv) difficult to open; or
- (v) partly filled;

(b)(i) has faded labels or defective caps or corks;

(ii) has contents that are:

- (A) cloudy;
- (B) spoiled; or
- (C) chemically determined to be impure; or

(iii) contains:

- (A) sediment; or
- (B) a foreign substance; or

(c) is otherwise considered by the department as unfit for sale.

1)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.

(b) "Wine" includes:

- (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 4.10; and
- (ii) hard cider.

(c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in this title.

2) "Winery manufacturing license" means a license issued in accordance with Chapter 11, Part 3, Winery Manufacturing License.

Section 4. Section **32B-1-406** is amended to read:

32B-1-406 (Effective 07/01/27). Acceptance of identification.

An authorized person may accept as evidence of the legal age of the individual presenting the following:

- (a) proof of age; or
- (b) if a statement of age is required under Section 32B-1-405:
 - (i) proof of age; and
 - (ii) a statement of age.

1185 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:

1186 (a) selling, offering for sale, or furnishing an alcoholic product to the individual who
1187 signed the statement of age;

1188 (b) admitting the individual who signed the statement of age into a restricted area; or

1189 (c) allowing the individual who signed the statement of age to be employed in
1190 employment that under this title may not be obtained by a minor.

1191 ~~[**(3) An authorized person may not accept a driving privilege card issued in accordance with**~~
1192 ~~**Section 53-3-207 as evidence of the legal age of an individual.]**~~

1193 Section 5. Section **41-6a-404** is amended to read:

1194 **41-6a-404 (Effective 05/06/26). Accident reports -- When confidential --**

1195 **Insurance policy information -- Use as evidence -- Penalty for false information.**

1196 (1) As used in this section:

1197 (a)(i) "Accident report" means the written report required of the investigating peace
1198 officer, including accompanying data and any later supplements, which describes
1199 the site, location, and manner of occurrence of an accident, the persons and
1200 vehicles involved, and any other pertinent data that may be useful in the
1201 determination of the causes of the accident.

1202 (ii) "Accident report" may include:

1203 (A) a police report;

1204 (B) a motor vehicle collision report;

1205 (C) a reportable accident report;

1206 (D) a driving under the influence report;

1207 (E) an animal control report;

1208 (F) any witness statement or witness recording;

1209 (G) an ambulance medical record or bill;

1210 (H) any accompanying photograph, body camera video, dash camera video, and
1211 supplemental report; and

1212 (I) other information, recording, and drawing generated in the investigation of an
1213 accident.

1214 (b) "Accompanying data" means all materials gathered by the investigating peace officer
1215 in an accident investigation including:

1216 (i) the identity of witnesses and, if known, contact information;

1217 (ii) witness statements;

1218 (iii) photographs;

1219 (iv) surveillance, body camera, dash camera, and any other video footage;

1220 (v) diagrams; and

1221 (vi) field notes.

1222 (c) "Agent" means:

1223 (i) a person's attorney that has been formally engaged in anticipation of litigation or
1224 trial, or in active litigation or trial, whether the representation is for a civil or
1225 criminal matter;

1226 (ii) a person's insurer;

1227 (iii) a general acute hospital, as defined in Section 26B-2-201, that:

1228 (A) has an emergency room; and

1229 (B) is providing or has provided emergency services to the person in relation to
1230 the accident; or

1231 (iv) any other individual or entity with signed permission from the person to receive
1232 the person's accident report.

1233 (d) "Protected record" means the same as that term is defined in Section 63G-2-305.

1234 (e) "Unlawfully present alien" means an individual who is unlawfully present in the
1235 United States.

1236 [f] (f) "Unredacted accident report" means an accident report for which the accident
1237 report, accompanying data, written material, audio recording, video recording,
1238 photograph, or any other portion of the accident report has not been redacted, blacked
1239 out, blurred, cropped, clipped, or otherwise modified.

1240 (2)(a) Except as provided in Subsections (3) and (8), all accident reports required in this
1241 part to be filed with the department:

1242 (i) are without prejudice to the reporting individual;

1243 (ii) are protected and for the confidential use of the department or other state, local,
1244 or federal agencies having use for the records for official governmental statistical,
1245 investigative, and accident prevention purposes; and

1246 (iii) may be disclosed only in a statistical form that protects the privacy of any person
1247 involved in the accident.

1248 (b) An investigating peace officer shall include in an accident report an indication as to
1249 whether the accident occurred on a highway designated as a livestock highway in
1250 accordance with Section 72-3-112 if the accident resulted in the injury or death of
1251 livestock.

1252 (3)(a) Subject to the provisions of this section, the department or the responsible law

1253 enforcement agency employing the peace officer that investigated the accident shall
1254 disclose an unredacted accident report, containing the information described in
1255 Subsection 41-6a-402(4)(c), to:

- 1256 (i) a person involved in the accident, excluding a witness to the accident;
- 1257 (ii) a person suffering loss or injury in the accident;
- 1258 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)
1259 and (ii);

1260 (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;

1261 (v)(A) a state, local, or federal agency that uses the records for official
1262 governmental, investigative, or accident prevention purposes; and

1263 (B) if the accident involves an individual who is an unlawfully present alien, to
1264 the Immigration and Customs Enforcement Agency of the United States
1265 Department of Homeland Security;

1266 (vi) law enforcement personnel when acting in their official governmental capacity;
1267 and

1268 (vii) a licensed private investigator who:

1269 (A) represents an individual described in Subsections (3)(a)(i) through (iii); and
1270 (B) demonstrates that the representation of the individual described in Subsections
1271 (3)(a)(i) through (iii) is directly related to the accident that is the subject of the
1272 accident report.

1273 (b) The responsible law enforcement agency employing the peace officer that
1274 investigated the accident:

1275 (i) shall in compliance with Subsection (3)(a):

1276 (A) disclose an accident report; or

1277 (B) upon written request disclose an accident report and its accompanying data
1278 within 10 business days from receipt of a written request for disclosure;

1279 (ii) may withhold an accident report, and any of its accompanying data if disclosure
1280 would jeopardize an ongoing criminal investigation or criminal prosecution; or

1281 (iii) may redact an individual's phone number or address from the accident report, if
1282 the disclosure of the information may endanger the life or physical safety of the
1283 individual, including when the individual is under witness protection.

1284 (c) In accordance with Subsection (3)(a), the department or the responsible law
1285 enforcement agency employing the investigating peace officer shall disclose whether
1286 any person or vehicle involved in an accident reported under this section was covered

1287 by a vehicle insurance policy, and the name of the insurer.

1288 (d) Information provided to a member of the press or broadcast news media under
1289 Subsection (3)(a)(iv) may only include:
1290 (i) the name, age, sex, and city of residence of each person involved in the accident;
1291 (ii) the make and model year of each vehicle involved in the accident;
1292 (iii) whether or not each person involved in the accident was covered by a vehicle
1293 insurance policy;
1294 (iv) the location of the accident; and
1295 (v) a description of the accident that excludes personal identifying information not
1296 listed in Subsection (3)(d)(i).

1297 (e) The department shall disclose to any requesting person the following vehicle
1298 accident history information, excluding personal identifying information, in bulk
1299 electronic form:
1300 (i) any vehicle identifying information that is electronically available, including the
1301 make, model year, and vehicle identification number of each vehicle involved in
1302 an accident;
1303 (ii) the date of the accident; and
1304 (iii) any electronically available data which describes the accident, including a
1305 description of any physical damage to the vehicle.

1306 (f) The department may establish a fee under Section 63J-1-504 based on the fair market
1307 value of the information for providing bulk vehicle accident history information
1308 under Subsection (3)(e).

1309 (4)(a) Except as provided in Subsection (4)(b), accident reports filed under this section
1310 may not be used as evidence in any civil or criminal trial arising out of an accident.

1311 (b)(i) Upon demand of any party to the trial or upon demand of any court, the
1312 department shall furnish a certificate showing that a specified accident report has
1313 or has not been made to the department in compliance with law.

1314 (ii) If the report has been made, the certificate furnished by the department shall
1315 show:

1316 (A) the date, time, and location of the accident;
1317 (B) subject to Subsections (4)(b)(iv) and (v), the name, phone number, and
1318 address of each person involved in the accident, including a witness of the
1319 accident;
1320 (C) the owners of the vehicles involved; and

1321 (D) the investigating peace officers.

1322 (iii) The reports may be used as evidence when necessary to prosecute charges filed
1323 in connection with a violation of Subsection (6).

1324 (iv) If a witness requests that the witness's address and phone number be excluded
1325 from the accident report, the investigating officer shall:

1326 (A) exclude the witness's address and phone number from the accident report; and
1327 (B) create a separate record of the witness's address and phone number.

1328 (v) The record described in Subsection (4)(b)(iv) is discoverable in a lawsuit by a
1329 party that was involved in the accident if the lawsuit arises from the accident.

1330 (5)(a) Except as provided in Subsections (5)(c) and (d), for an agent that requests a
1331 protected record that is part of an accident report that is relevant to that civil or
1332 criminal matter to which the accident report pertains, the responsible law
1333 enforcement agency shall provide the protected record in unredacted form if the
1334 attorney agent:

1335 (i) requests the protected record in writing;

1336 (ii) provides a letter of representation stating that:

1337 (A) the attorney has been engaged to represent the individual in a matter relevant
1338 to the accident report; and

1339 (B) the protected record will only be used as evidence in an active matter in
1340 anticipation of litigation or trial, or in active litigation or trial related to the
1341 accident report; and

1342 (iii) pays the relevant fees required by the responsible law enforcement agency.

1343 (b) An attorney described in Subsection (5)(a) that releases a protected record for any
1344 purpose not described in Subsection (5)(a)(ii)(B) is liable for the unlawful disclosure
1345 and subject to the penalties described in Section 63G-2-801.

1346 (c) For a protected record that is part of an accident report that contains video data, the
1347 responsible law enforcement agency may redact video data that is not relevant to the
1348 accident report.

1349 (d) A law enforcement agency is not required to disclose as part of an accident report
1350 any information for which disclosure is prohibited under Section 53-10-108.

1351 (6) A person who gives information in reports as required in this part knowing or having
1352 reason to believe that the information is false is guilty of a class A misdemeanor.

1353 (7) The department and the responsible law enforcement agency employing the
1354 investigating peace officer may charge a reasonable fee determined by the department

1355 under Section 63J-1-504 for the cost incurred in disclosing an accident report or an
1356 accident report and any of its accompanying data under Subsections (3)(a) and (b).

1357 (8)(a) The Office of State Debt Collection, the Division of Risk Management, and the
1358 Department of Transportation may, in the performance of the regular duties of each
1359 respective division or department, disclose an accident report to:

- 1360 (i) a person involved in the accident, excluding a witness to the accident;
- 1361 (ii) an owner of a vehicle involved in the accident;
- 1362 (iii) an agent, parent, or legal guardian of a person described in Subsection (8)(a)(i)
1363 or (ii); or
- 1364 (iv) an insurer that provides motor vehicle insurance to a person described in
1365 Subsection (8)(a)(i) or (iii).

1366 (b) A disclosure under Subsection (8)(a) does not change the classification of the record
1367 as a protected record under Section 63G-2-305.

1368 (9)(a) A person may not knowingly obtain an accident report described in this part if the
1369 person is not described in Subsection (3).

1370 (b) A person may not knowingly use information in an accident report to market
1371 services, including marketing for legal representation.

1372 (c) A person who violates this Subsection (9) is guilty of a class A misdemeanor.
1373 Section 6. Section **41-6a-410** is enacted to read:

1374 **41-6a-410 (Effective 07/01/27). Presumption of fault of an unlawfully present
1375 alien.**

1376 (1) As used in this section, "unlawfully present alien" means an individual who is
1377 unlawfully present in the United States.

1378 (2) In any civil action brought for damages caused by an accident involving an individual
1379 who is an unlawfully present alien, there is a rebuttable presumption that the unlawfully
1380 present alien is at fault for the accident for purposes of filing an insurance claim.

1381 (3) The presumption described in Subsection (2) may be rebutted by clear and convincing
1382 evidence that the unlawfully present alien was not at fault based on factors related to the
1383 collision, including:

- 1384 (a) witness statements;
- 1385 (b) accident reconstruction; or
- 1386 (c) video evidence.

1387 (4) A peace officer investigating an accident shall include in the accident report described
1388 in Section 41-6a-404:

1389 (a) an indication whether an individual involved in the accident is an unlawfully present
1390 alien; and

1391 (b) if an individual involved in the accident is an unlawfully present alien, an indication
1392 that the presumption described in Subsection (2) applies.

1393 (5) An insurance provider relevant to an accident involving an unlawfully present alien:

1394 (a) shall apply the presumption described in Subsection (2); and

1395 (b) may not pay a benefit or settle a claim with an unlawfully present alien.

1396 Section 7. Section **46-1-2** is amended to read:

1397 **46-1-2 (Effective 07/01/27). Definitions.**

1398 As used in this chapter:

1399 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose
1400 identity is personally known to the notary or proven on the basis of satisfactory
1401 evidence, has admitted, in the presence of the notary, to voluntarily signing a document
1402 for the document's stated purpose.

1403 (2) "Before me" means that an individual appears in the presence of the notary.

1404 (3) "Commission" means:

1405 (a) to empower to perform notarial acts; or

1406 (b) the written document that gives authority to perform notarial acts, including the
1407 Certificate of Authority of Notary Public that the lieutenant governor issues to a
1408 notary.

1409 (4) "Copy certification" means a notarial act in which a notary certifies that a photocopy is
1410 an accurate copy of a document that is neither a public record nor publicly recorded.

1411 (5) "Electronic notarization" means:

1412 (a) a remote notarization; or

1413 (b) a notarization:

1414 (i) in an electronic format;

1415 (ii) of a document that may be recorded electronically under Subsection 17-71-402(2);
1416 and

1417 (iii) that conforms with rules made under Section 46-1-3.7.

1418 (6) "Electronic recording" means the audio and video recording, described in Subsection
1419 46-1-3.6(3), of a remote notarization.

1420 (7) "Electronic seal" means an electronic version of the seal described in Section 46-1-16,
1421 that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary may attach
1422 to a notarial certificate to complete an electronic notarization.

1423 (8) "Electronic signature" means the same as that term is defined in Section 46-4-102.

1424 (9) "In the presence of the notary" means that an individual:

1425 (a) is physically present with the notary in close enough proximity to see and hear the
1426 notary; or

1427 (b) communicates with a remote notary by means of an electronic device or process that:

1428 (i) allows the individual and remote notary to communicate with one another
1429 simultaneously by sight and sound; and

1430 (ii) complies with rules made under Section 46-1-3.7.

1431 (10) "Jurat" means a notarial act in which a notary certifies:

1432 (a) the identity of a signer who:

1433 (i) is personally known to the notary; or

1434 (ii) provides the notary satisfactory evidence of the signer's identity;

1435 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document;
1436 and

1437 (c) that the signer voluntarily signs the document in the presence of the notary.

1438 (11) "Notarial act" or "notarization" means an act that a notary is authorized to perform
1439 under Section 46-1-6.

1440 (12) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:

1441 (a) a part of or attached to a notarized document; and

1442 (b) completed by the notary and bears the notary's signature and official seal.

1443 (13)(a) "Notary" means an individual commissioned to perform notarial acts under this
1444 chapter.

1445 (b) "Notary" includes a remote notary.

1446 (14) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person
1447 made a vow or affirmation in the presence of the notary on penalty of perjury.

1448 (15) "Official misconduct" means a notary's performance of any act prohibited or failure to
1449 perform any act mandated by this chapter or by any other law in connection with a
1450 notarial act.

1451 (16)(a) "Official seal" means the seal described in Section 46-1-16 that a notary may
1452 attach to a notarial certificate to complete a notarization.

1453 (b) "Official seal" includes an electronic seal.

1454 (17) "Personally known" means familiarity with an individual resulting from interactions
1455 with that individual over a period of time sufficient to eliminate every reasonable doubt
1456 that the individual has the identity claimed.

1457 (18) "Remote notarization" means a notarial act performed by a remote notary in
1458 accordance with this chapter for an individual who is not in the physical presence of the
1459 remote notary at the time the remote notary performs the notarial act.

1460 (19) "Remote notary" means a notary that holds an active remote notary certification under
1461 Section 46-1-3.5.

1462 (20)(a) "Satisfactory evidence of identity" means:
1463 (i) for both an in-person and remote notarization, identification of an individual based
1464 on:
1465 (A) subject to Subsection (20)(b), valid personal identification with the
1466 individual's photograph, signature, and physical description that the United
1467 States government, any state within the United States, or a foreign government
1468 issues;
1469 (B) subject to Subsection (20)(b), a valid passport that any nation issues; or
1470 (C) the oath or affirmation of a credible person who is personally known to the
1471 notary and who personally knows the individual; and
1472 (ii) for a remote notarization only, a third party's affirmation of an individual's
1473 identity in accordance with rules made under Section 46-1-3.7 by means of:
1474 (A) dynamic knowledge-based authentication, which may include requiring the
1475 individual to answer questions about the individual's personal information
1476 obtained from public or proprietary data sources; or
1477 (B) analysis of the individual's biometric data, which may include facial
1478 recognition, voiceprint analysis, or fingerprint analysis.
1479 (b) "Satisfactory evidence of identity," for a remote notarization, requires the
1480 identification described in Subsection (20)(a)(i)(A) or passport described in
1481 Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in
1482 accordance with rules made under Section 46-1-3.7.
1483 (c) "Satisfactory evidence of identity" does not include[:]
1484 [(i) a driving privilege card under Subseetion 53-3-207(12); or]
1485 [(ii) another] a document that is not considered valid for identification.

1486 (21) "Signature witnessing" means a notarial act in which an individual:
1487 (a) appears in the presence of the notary and presents a document;
1488 (b) provides the notary satisfactory evidence of the individual's identity, or is personally
1489 known to the notary; and
1490 (c) signs the document in the presence of the notary.

1491 Section 8. Section **53-3-102** is amended to read:

1492 **53-3-102 (Effective 07/01/27). Definitions.**

1493 As used in this chapter:

1494 (1) "Autocycle" means a motor vehicle that:

1495 (a) is designed to travel with three or fewer wheels in contact with the ground; and

1496 (b) is equipped with:

1497 (i) a steering mechanism;

1498 (ii) seat belts; and

1499 (iii) seating that does not require the operator to straddle or sit astride the motor
1500 vehicle.

1501 (2) "Cancellation" means the termination by the division of a license issued through error or
1502 fraud or for which consent under Section 53-3-211 has been withdrawn.

1503 (3) "Class D license" means the class of license issued to drive motor vehicles not defined
1504 as commercial motor vehicles or motorcycles under this chapter.

1505 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

1506 (a) issued under Section 53-3-408; or

1507 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
1508 contained in 49 C.F.R. Part 383.

1509 (5) "Commercial driver license" or "CDL" means a license:

1510 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,
1511 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
1512 Uniform Commercial Driver License Act, which authorizes the holder to drive a class
1513 of commercial motor vehicle; and

1514 (b) that was obtained by providing evidence of lawful presence in the United States with
1515 one of the document requirements described in Subsection 53-3-410(1)(i)(i).

1516 (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
1517 driving record that:

1518 (i) applies to a person who holds or is required to hold a commercial driver
1519 instruction permit or a CDL license; and

1520 (ii) contains the following:

1521 (A) information contained in the driver history, including convictions, pleas held
1522 in abeyance, disqualifications, and other licensing actions for violations of any
1523 state or local law relating to motor vehicle traffic control, committed in any
1524 type of vehicle;

1525 (B) driver self-certification status information under Section 53-3-410.1; and
1526 (C) information from medical certification record keeping in accordance with 49
1527 C.F.R. Sec. 383.73(o).

1528 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
1529 motor vehicle record described in Subsection [32] (31).

1530 (7)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor
1531 vehicles designed or used to transport passengers or property if the motor vehicle:
1532 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more
1533 pounds, or gross combination weight rating or gross combination weight of
1534 26,001 or more pounds or a lesser rating as determined by federal regulation;
1535 (ii) is designed to transport 16 or more passengers, including the driver; or
1536 (iii) is transporting hazardous materials and is required to be placarded in accordance
1537 with 49 C.F.R. Part 172, Subpart F.

1538 (b) The following vehicles are not considered a commercial motor vehicle for purposes
1539 of Part 4, Uniform Commercial Driver License Act:

1540 (i) equipment owned and operated by the United States Department of Defense when
1541 driven by any active duty military personnel and members of the reserves and
1542 national guard on active duty including personnel on full-time national guard duty,
1543 personnel on part-time training, and national guard military technicians and
1544 civilians who are required to wear military uniforms and are subject to the code of
1545 military justice;
1546 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
1547 machinery, or farm supplies to or from a farm within 150 miles of his farm but not
1548 in operation as a motor carrier for hire;
1549 (iii) firefighting and emergency vehicles;
1550 (iv) recreational vehicles that are not used in commerce and are driven solely as
1551 family or personal conveyances for recreational purposes; and
1552 (v) vehicles used to provide transportation network services, as defined in Section
1553 13-51-102.

1554 (8) "Conviction" means any of the following:

1555 (a) an unvacated adjudication of guilt or a determination that a person has violated or
1556 failed to comply with the law in a court of original jurisdiction or an administrative
1557 proceeding;
1558 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance

in court;

- (c) a plea of guilty or nolo contendere accepted by the court;
- (d) the payment of a fine or court costs; or
- (e) violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

(9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security, do not apply.

(10) "Director" means the division director appointed under Section 53-3-103.

(11) "Disqualification" means either:

- (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of a person's privileges to drive a commercial motor vehicle;
- (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386, that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part 391; or
- (c) the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. Part 383.51.

(12) "Division" means the Driver License Division of the department created in Section 53-3-103.

(13) "Downgrade" means to obtain a lower license class than what was originally issued during an existing license cycle.

(14) "Drive" means:

- (a) to operate or be in physical control of a motor vehicle upon a highway; and
- (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within the state.

(15)(a) "Driver" means an individual who drives, or is in actual physical control of a motor vehicle in any location open to the general public for purposes of vehicular traffic.

(b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or federal law.

[16] "Driving privilege card" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained without

1593 providing evidence of lawful presence in the United States.]

1594 [(17)] (16) "Electronic license certificate" means the evidence, in an electronic format as
1595 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
1596 vehicle.

1597 [(18)] (17) "Extension" means a renewal completed in a manner specified by the division.

1598 [(19)] (18) "Farm tractor" means every motor vehicle designed and used primarily as a farm
1599 implement for drawing plows, mowing machines, and other implements of husbandry.

1600 [(20)] (19) "Highway" means the entire width between property lines of every way or place
1601 of any nature when any part of it is open to the use of the public, as a matter of right, for
1602 traffic.

1603 [(21)] (20) "Human driver" means the same as that term is defined in Section 41-26-102.1.

1604 [(22)] (21) "Identification card" means a card issued under Part 8, Identification Card Act, to
1605 a person for identification purposes.

1606 [(23)] (22) "Indigent" means that a person's income falls below the federal poverty guideline
1607 issued annually by the United States Department of Health and Human Services in the
1608 Federal Register.

1609 [(24)] (23) "Interdicted person" means the same as that term is defined in Section 32B-1-102.

1610 [(25)] (24) "Interdicted person identifier" means language and other security features on a
1611 license certificate or identification card indicating that the person is an interdicted
1612 person, which features include:

1613 (a) the language "No Alcohol Sale"; and

1614 (b) other security features identifying the individual as being restricted from purchasing
1615 alcohol, including a prominent red stripe on the front of the license or identification
1616 card.

1617 [(26)] (25) "License" means the privilege to drive a motor vehicle.

1618 [(27)] (26)(a) "License certificate" means the evidence of the privilege issued under this
1619 chapter to drive a motor vehicle.

1620 (b) "License certificate" evidence includes:

1621 (i) a regular license certificate;

1622 (ii) a limited-term license certificate;

1623 [(iii) a driving privilege card;]

1624 [(iv)] (iii) a CDL license certificate;

1625 [(v)] (iv) a limited-term CDL license certificate;

1626 [(vi)] (v) a temporary regular license certificate;

1627 [viii] (vi) a temporary limited-term license certificate; and

1628 [viii] (vii) an electronic license certificate created in Section 53-3-235.

1629 [(28)] (27) "Limited-term commercial driver license" or "limited-term CDL" means a
1630 license:

1631 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
1632 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with
1633 Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive
1634 a class of commercial motor vehicle; and

1635 (b) that was obtained by providing evidence of lawful presence in the United States with
1636 one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

1637 [(29)] (28) "Limited-term identification card" means an identification card issued under this
1638 chapter to a person whose card was obtained by providing evidence of lawful presence
1639 in the United States with one of the document requirements described in Subsection
1640 53-3-804(2)(i)(ii).

1641 [(30)] (29) "Limited-term license certificate" means the evidence of the privilege granted
1642 and issued under this chapter to drive a motor vehicle to a person whose privilege was
1643 obtained providing evidence of lawful presence in the United States with one of the
1644 document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

1645 [(31)] (30) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

1646 [(32)] (31) "Motor vehicle record" or "MVR" means a driving record under Subsection
1647 53-3-109(7)(a).

1648 [(33)] (32) "Motorboat" means the same as that term is defined in Section 73-18-2.

1649 [(34)] (33) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
1650 saddle for the use of the rider and designed to travel with not more than three wheels in
1651 contact with the ground.

1652 [(35)] (34) "Office of Recovery Services" means the Office of Recovery Services, created in
1653 Section 26B-9-103.

1654 [(36)] (35) "Operate" means the same as that term is defined in Section 41-1a-102.

1655 [(37)] (36)(a) "Owner" means a person other than a lien holder having an interest in the
1656 property or title to a vehicle.

1657 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a
1658 security interest in another person but excludes a lessee under a lease not intended as
1659 security.

1660 [(38)] (37) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,

1661 or other financial penalty imposed on an individual by a court or other government
1662 entity.

1663 [(39)] (38)(a) "Private passenger carrier" means any motor vehicle for hire that is:
1664 (i) designed to transport 15 or fewer passengers, including the driver; and
1665 (ii) operated to transport an employee of the person that hires the motor vehicle.

1666 (b) "Private passenger carrier" does not include:
1667 (i) a taxicab;
1668 (ii) a motor vehicle driven by a transportation network driver as defined in Section
1669 13-51-102;
1670 (iii) a motor vehicle driven for transportation network services as defined in Section
1671 13-51-102; and
1672 (iv) a motor vehicle driven for a transportation network company as defined in
1673 Section 13-51-102 and registered with the Division of Consumer Protection as
1674 described in Section 13-51-104.

1675 [(40)] (39) "Regular identification card" means an identification card issued under this
1676 chapter to a person whose card was obtained by providing evidence of lawful presence
1677 in the United States with one of the document requirements described in Subsection
1678 53-3-804(2)(i)(i).

1679 [(41)] (40) "Regular license certificate" means the evidence of the privilege issued under
1680 this chapter to drive a motor vehicle whose privilege was obtained by providing
1681 evidence of lawful presence in the United States with one of the document requirements
1682 described in Subsection 53-3-205(8)(a)(ii)(A).

1683 [(42)] (41) "Renewal" means to validate a license certificate so that it expires at a later date.

1684 [(43)] (42) "Reportable violation" means an offense required to be reported to the division
1685 as determined by the division and includes those offenses against which points are
1686 assessed under Section 53-3-221.

1687 [(44)] (43)(a) "Resident" means an individual who:
1688 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
1689 regardless of domicile, remains in this state for an aggregate period of six months
1690 or more during any calendar year;
1691 (ii) engages in a trade, profession, or occupation in this state, or who accepts
1692 employment in other than seasonal work in this state, and who does not commute
1693 into the state;
1694 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver

1695 license certificate or motor vehicle registration; or
1696 (iv) declares himself a resident of this state to obtain privileges not ordinarily
1697 extended to nonresidents, including going to school, or placing children in school
1698 without paying nonresident tuition or fees.

1699 (b) "Resident" does not include any of the following:
1700 (i) a member of the military, temporarily stationed in this state;
1701 (ii) an out-of-state student, as classified by an institution of higher education,
1702 regardless of whether the student engages in any type of employment in this state;
1703 (iii) a person domiciled in another state or country, who is temporarily assigned in
1704 this state, assigned by or representing an employer, religious or private
1705 organization, or a governmental entity; or
1706 (iv) an immediate family member who resides with or a household member of a
1707 person listed in Subsections [(44)(b)(i)] (43)(b)(i) through (iii).

1708 [~~(45)~~] (44) "Revocation" means the termination by action of the division of a licensee's
1709 privilege to drive a motor vehicle.

1710 [~~(46)~~] (45)(a) "School bus" means a commercial motor vehicle used to transport
1711 pre-primary, primary, or secondary school students to and from home and school, or
1712 to and from school sponsored events.

1713 (b) "School bus" does not include a bus used as a common carrier as defined in Section
1714 59-12-102.

1715 [~~(47)~~] (46) "Suspension" means the temporary withdrawal by action of the division of a
1716 licensee's privilege to drive a motor vehicle.

1717 [~~(48)~~] (47) "Taxicab" means any class D motor vehicle transporting any number of
1718 passengers for hire and that is subject to state or federal regulation as a taxi.

1719 Section 53-3-105 is amended to read:

1720 **53-3-105 (Effective 07/01/27). Fees for licenses, renewals, extensions,
1721 reinstatements, rescheduling, and identification cards.**

1722 Except as provided in Subsection [~~(39)~~] (37), the following fees apply under this chapter:

- 1723 (1) An original class D license application under Section 53-3-205 is \$52.
- 1724 (2) An original provisional license application for a class D license under Section 53-3-205
1725 is \$39.
- 1726 (3) An original limited term license application under Section 53-3-205 is \$32.
- 1727 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.
- 1728 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.

1729 (6) A learner permit application under Section 53-3-210.5 is \$19.

1730 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)
1731 applies.

1732 (8) A renewal of a provisional license application for a class D license under Section
1733 53-3-214 is \$52.

1734 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.

1735 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.

1736 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.

1737 (12) A renewal of a class D license for an individual 65 years old and older under Section
1738 53-3-214 is \$27.

1739 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)
1740 applies.

1741 (14) An extension of a provisional license application for a class D license under Section
1742 53-3-214 is \$42.

1743 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.

1744 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.

1745 (17) An extension of a class D license for an individual 65 years old and older under
1746 Section 53-3-214 is \$22.

1747 (18) An original or renewal application for a commercial class A, B, or C license or an
1748 original or renewal of a provisional commercial class A or B license under Part 4,
1749 Uniform Commercial Driver License Act, is \$52.

1750 (19) A commercial class A, B, or C license skills test is \$78.

1751 (20) Each original CDL endorsement for passengers, hazardous material, double or triple
1752 trailers, or tankers is \$9.

1753 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
1754 Driver License Act, is \$9.

1755 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License
1756 Act, is \$9.

1757 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
1758 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.

1759 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.

1760 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.

1761 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.
1762 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or

1763 combination of alcohol and any drug-related offense is \$45 in addition to the fee
1764 under Subsection (26)(a).

1765 (27)(a) An administrative fee for license reinstatement after an alcohol, drug, or
1766 combination of alcohol and any drug-related offense under Section 41-6a-520,
1767 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any
1768 drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.

1769 (b) This administrative fee is in addition to the fees under Subsection (26).

1770 (28)(a) An administrative fee for providing the driving record of a driver under Section
1771 53-3-104 or 53-3-420 is \$8.

1772 (b) The division may not charge for a report furnished under Section 53-3-104 to a
1773 municipal, county, state, or federal agency.

1774 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

1775 (30)(a) Except as provided under Subsections (30)(b) and (c), an identification card
1776 application under Section 53-3-808 is \$23.

1777 (b) An identification card application under Section 53-3-808 for a person with a
1778 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

1779 (c) A fee may not be charged for an identification card application if the individual
1780 applying:

1781 (i)(A) has not been issued a Utah driver license;

1782 (B) is indigent; and

1783 (C) is at least 18 years old;

1784 (ii) submits written verification that the individual is homeless, as defined in Section
1785 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child
1786 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

1787 (A) a homeless shelter, as defined in Section 35A-16-305;

1788 (B) a permanent housing, permanent, supportive, or transitional facility, as defined
1789 in Section 35A-5-302;

1790 (C) the Department of Workforce Services; or

1791 (D) a local educational agency liaison for homeless children and youth designated
1792 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or

1793 (iii) is under 26 years old and submits written verification that the individual:

1794 (A) is in the custody of the Division of Child and Family Services; or

1795 (B) was in the custody of the Division of Child and Family Services but is no
1796 longer in the custody of the Division of Child and Family Services due to the

1797 individual's age.

1798 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a
1799 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

1800 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written
1801 verification that the individual is homeless, as defined in Section 26B-3-207, or a
1802 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is
1803 homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
1804 (i) a homeless shelter, as defined in Section 35A-16-305;
1805 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
1806 Section 35A-5-302;
1807 (iii) the Department of Workforce Services;
1808 (iv) a homeless service provider as verified by the Department of Workforce Services
1809 as described in Section 26B-8-113; or
1810 (v) a local educational agency liaison for homeless children and youth designated
1811 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

1812 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is
1813 \$23.

1814 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written
1815 verification that the individual is homeless, as defined in Section 26B-3-207, or a
1816 person who is homeless, as defined in Section 35A-5-302, from:
1817 (i) a homeless shelter, as defined in Section 35A-16-305;
1818 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
1819 Section 35A-5-302;
1820 (iii) the Department of Workforce Services; or
1821 (iv) a homeless service provider as verified by the Department of Workforce Services
1822 as described in Section 26B-8-113.

1823 (33) In addition to any license application fees collected under this chapter, the division
1824 shall impose on individuals submitting fingerprints in accordance with Section
1825 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for
1826 the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

1827 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.

1828 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

1829 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.

1830 [37) An original driving privilege card application under Section 53-3-207 is \$32.]

1831 [({38}) A renewal of a driving privilege card application under Section 53-3-207 is \$23.]
1832 [({39}) (37) A fee may not be charged for an original class D license application, original
1833 provisional license application for a class D license, or a learner permit application if the
1834 individual applying is:
1835 (a) under the 26 years old; and
1836 (b) submits written verification that the individual:
1837 (i) is in the custody of the Division of Child and Family Services; or
1838 (ii) was in the custody of the Division of Child and Family Services but is no longer
1839 in the custody of the Division of Child and Family Services due to the individual's
1840 age.

1841 [({40}) (38) An administrative fee to add an interdicted person identifier to a license
1842 certificate under Section 53-3-236 or identification card under Section 53-3-805 is \$7.
1843 Section 10. Section **53-3-106** is amended to read:

1844 **53-3-106 (Effective 07/01/27). Disposition of revenues under this chapter --**

1845 **Restricted account created -- Uses as provided by appropriation -- Nonlapsing.**

1846 (1) There is created within the Transportation Fund a restricted account known as the
1847 "Department of Public Safety Restricted Account."

1848 (2) The account consists of money generated from the following revenue sources:

- 1849 (a) all money received under this chapter;
- 1850 (b) administrative fees received according to the fee schedule authorized under this
1851 chapter and Section 63J-1-504;
- 1852 (c) beginning on January 1, 2013, money received in accordance with Section
1853 41-1a-1201; and
- 1854 (d) any appropriations made to the account by the Legislature.

1855 (3)(a) The account shall earn interest.

- 1856 (b) All interest earned on account money shall be deposited into the account.

1857 (4) The expenses of the department in carrying out this chapter shall be provided for by
1858 legislative appropriation from this account.

1859 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(27) shall
1860 be appropriated by the Legislature from this account to the department to implement the
1861 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$100 shall
1862 be deposited into the State Laboratory Drug Testing Account created in Section
1863 26B-1-304.

1864 (6) All money received under Subsection 41-6a-1406(7)(b)(ii) shall be appropriated by the

1865 Legislature from this account to the department to implement the provisions of Section
1866 53-1-117.

1867 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000 annually
1868 from the account to the state medical examiner appointed under Section 26B-8-202 for
1869 use in carrying out duties related to highway crash deaths under Subsection
1870 26B-8-205(1).

1871 [(8) The division shall remit the fees collected under Subsection 53-3-105(31) to the Bureau
1872 of Criminal Identification to cover the costs for the services the Bureau of Criminal
1873 Identification provides under Section 53-3-205.5.]

1874 [(9)] (8)(a) Beginning on January 1, 2013, the Legislature shall appropriate all money
1875 received in the account under Section 41-1a-1201 to the Utah Highway Patrol
1876 Division for field operations.

1877 (b) The Legislature may appropriate additional money from the account to the Utah
1878 Highway Patrol Division for law enforcement purposes.

1879 [(10)] (9) Appropriations to the department from the account are nonlapsing.

1880 [(11)] (10) The department shall report to the Department of Health and Human Services, on
1881 or before December 31, the amount the department expects to collect under Subsection
1882 53-3-105(27) in the next fiscal year.

1883 Section 11. Section **53-3-204** is amended to read:

1884 **53-3-204 (Effective 05/06/26). Persons who may not be licensed.**

1885 (1)(a) The division may not license a person who:

1886 (i) is younger than 16 years old;
1887 (ii) if the person is 18 years old or younger, has not completed a course in driver
1888 training approved by the commissioner;

1889 (iii) if the person is 19 years old or older has not completed:

1890 (A) a course in driver training approved by the commissioner; or
1891 (B) the requirements under Subsection 53-3-210.5(6)(c);

1892 (iv) if the person is a minor as defined in Section 53-3-211, has not completed the
1893 driving requirement under Section 53-3-211;

1894 (v) is not a resident of the state, unless the person:

1895 (A) is issued a temporary CDL under Subsection 53-3-407(2)(b) prior to July 1,
1896 2015; or

1897 (B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;

1898 (vi) if the person is 17 years old or younger, has not held a learner permit issued

under Section 53-3-210.5 or an equivalent by another state or branch of the United States Armed Forces for six months; or

(vii) is younger than 18 years old and applying for a CDL under 49 C.F.R. Part 383.

(b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:

(i) who has been licensed before July 1, 1967; or

(ii) who is 16 years old or older making application for a license who has been licensed in another state or country.

(2) The division may not issue a license certificate to a person:

(a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;

(b) whose privilege has been revoked, except as provided in Section 53-3-225;

(c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;

(d) who is required by this chapter to take an examination unless the person successfully passes the examination;

(e) whose driving privileges have been denied or suspended under:

(j) Section 80-6-707 by an order of the juvenile court; or

(ii) Section 53-3-231; or

(f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card issued under Part 8, Identification Card Act, unless:

(i) the Utah identification card is canceled; and

(ii) if the Utah identification card is in the person's possession, the Utah identification card is surrendered to the division

(3)(a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle endorsement to a person who:

(i) has not been granted an original or provisional class D license, a CDL, or an out-of-state equivalent to an original or provisional class D license or a CDL

(ii) if the person is under 19 years old, has not held a motorcycle learner permit for two months unless Subsection (3)(b) applies

(b) The division may waive the two month motorcycle learner permit holding period requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division that the person has completed a motorcycle rider education program that meets the requirements under Section 53-3-903.

(c) The division may grant a motorcycle endorsement to a person under 19 years old

1933 who has not held a motorcycle learner permit for two months if the person was issued
1934 a motorcycle endorsement prior to July 1, 2008.

1935 (4) The division may grant a class D license to a person whose commercial license is
1936 disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not
1937 otherwise sanctioned under this chapter.

1938 (5)(a) The division may not grant a driving privilege card on or after May 6, 2026.

1939 (b) A driving privilege card that is issued on or before May 5, 2026, is valid until the
1940 expiration date of the driving privilege card.

1941 Section 12. Section **53-3-205** is amended to read:

1942 **53-3-205 (Effective 07/01/27). Application for license or endorsement -- Fee**
1943 **required -- Tests -- Expiration dates of licenses and endorsements -- Information**
1944 **required -- Previous licenses surrendered -- Driving record transferred from other states**
1945 **-- Reinstatement -- Fee required -- License agreement.**

1946 (1) An application for an original license, provisional license, or endorsement shall be:

1947 (a) made upon a form furnished by the division; and
1948 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

1949 (2) An application and fee for an original provisional class D license or an original class D
1950 license entitle the applicant to:

1951 (a) not more than three attempts to pass both the knowledge and the skills tests for a
1952 class D license within six months after the date of the application;
1953 (b) a learner permit if needed pending completion of the application and testing process;
1954 and
1955 (c) an original class D license and license certificate after all tests are passed and
1956 requirements are completed.

1957 (3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:

1958 (a) not more than three attempts to pass both the knowledge and skills tests within six
1959 months after the date of the application;
1960 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
1961 (c) a motorcycle or taxicab endorsement when all tests are passed.

1962 (4) An application for a commercial class A, B, or C license entitles the applicant to:

1963 (a) not more than two attempts to pass a knowledge test when accompanied by the fee
1964 provided in Subsection 53-3-105(18);
1965 (b) not more than two attempts to pass a skills test when accompanied by a fee in
1966 Subsection 53-3-105(19) within six months after the date of application;

- 1967 (c) both a commercial driver instruction permit and a temporary license permit for the
1968 license class held before the applicant submits the application if needed after the
1969 knowledge test is passed; and
- 1970 (d) an original commercial class A, B, or C license and license certificate when all
1971 applicable tests are passed.
- 1972 (5) An application and fee for a CDL endorsement entitle the applicant to:
 - 1973 (a) not more than two attempts to pass a knowledge test and not more than two attempts
1974 to pass a skills test within six months after the date of the application; and
 - 1975 (b) a CDL endorsement when all tests are passed.
- 1976 (6)(a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
1977 test within the number of attempts provided in Subsection (4) or (5), each test may be
1978 taken two additional times within the six months for the fee provided in Section
1979 53-3-105.
- 1980 (b)(i) An out-of-state resident who holds a valid CDIP issued by a state or
1981 jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
1982 administered by the division if the out-of-state resident pays the fee provided in
1983 Subsection 53-3-105(19).
- 1984 (ii) The division shall:
 - 1985 (A) electronically transmit skills test results for an out-of-state resident to the
1986 licensing agency in the state or jurisdiction in which the out-of-state resident
1987 has obtained a valid CDIP; and
 - 1988 (B) provide the out-of-state resident with documentary evidence upon successful
1989 completion of the skills test.
- 1990 (7)(a)(i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class
1991 D license expires on the birth date of the applicant in the eighth year after the year
1992 the license certificate was issued.
 - 1993 (ii) An original provisional class D license expires on the birth date of the applicant
1994 in the fifth year following the year the license certificate was issued.
 - 1995 (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on
1996 the birth date of the applicant in the fifth year the license certificate was issued.
- 1997 (b) Except as provided under [Subsections (7)(f) and (g)] Subsection (7)(f), a renewal or
1998 an extension to a license expires on the birth date of the licensee in the eighth year
1999 after the expiration date of the license certificate renewed or extended.
- 2000 (c) Except as provided under [Subsections (7)(f) and (g)] Subsection (7)(f), a duplicate

2001 license expires on the same date as the last license certificate issued.

2002 (d) An endorsement to a license expires on the same date as the license certificate
2003 regardless of the date the endorsement was granted.

2004 (e)(i) A regular license certificate and an endorsement to the regular license
2005 certificate held by an individual described in Subsection (7)(e)(ii), that expires
2006 during the time period the individual is stationed outside of the state, is valid until
2007 90 days after the individual's orders are terminated, the individual is discharged, or
2008 the individual's assignment is changed or terminated, unless:

2009 (A) the license is suspended, disqualified, denied, or has been cancelled or
2010 revoked by the division; or

2011 (B) the licensee updates the information or photograph on the license certificate.

2012 (ii) The provisions in Subsection (7)(e)(i) apply to an individual:

2013 (A) ordered to active duty and stationed outside of Utah in any of the armed forces
2014 of the United States;

2015 (B) who is an immediate family member or dependent of an individual described
2016 in Subsection (7)(e)(ii)(A) and is residing outside of Utah;

2017 (C) who is a civilian employee of the United States State Department or United
2018 States Department of Defense and is stationed outside of the United States; or

2019 (D) who is an immediate family member or dependent of an individual described
2020 in Subsection (7)(e)(ii)(C) and is residing outside of the United States.

2021 (f)(i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or
2022 a renewal to a limited-term license certificate expires:

2023 (A) on the expiration date of the period of time of the individual's authorized stay
2024 in the United States or on the date provided under this Subsection (7),
2025 whichever is sooner; or

2026 (B) on the date of issuance in the first year following the year that the limited-term
2027 license certificate was issued if there is no definite end to the individual's
2028 period of authorized stay.

2029 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
2030 issued to an approved asylee or a refugee expires on the birth date of the applicant
2031 in the fifth year following the year that the limited-term license certificate was
2032 issued.

2033 [(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
2034 birth date of the applicant in the first year following the year that the driving privilege

2035 ~~card was issued or renewed.]~~

2036 (8)(a) In addition to the information required by Title 63G, Chapter 4, Administrative

2037 Procedures Act, for requests for agency action, an applicant shall:

2038 (i) provide:

2039 (A) the applicant's full legal name;

2040 (B) the applicant's birth date;

2041 (C) the applicant's sex;

2042 (D)(I) documentary evidence of the applicant's valid social security number;

2043 (II) written proof that the applicant is ineligible to receive a social security
2044 number; or

2045 [(III) the applicant's temporary identification number (ITIN) issued by the
2046 Internal Revenue Service for an individual who:]

2047 [(Aa) does not qualify for a social security number; and]

2048 [(Bb) is applying for a driving privilege card; or]

2049 [(IV)] (III) other documentary evidence approved by the division; and

2050 (E) the applicant's Utah residence address as documented by a form or forms
2051 acceptable under rules made by the division under Section 53-3-104, unless the
2052 application is for a temporary CDL issued under Subsection 53-3-407(2)(b);[
2053 and]

2054 [(F) fingerprints, or a fingerprint confirmation form described in Subsection
2055 53-3-205.5(1)(a)(ii), and a photograph in accordance with Section 53-3-205.5
2056 if the applicant is applying for a driving privilege card;]

2057 (ii) provide evidence of the applicant's lawful presence in the United States by
2058 providing documentary evidence:

2059 (A) that the applicant is:

2060 (I) a United States citizen;

2061 (II) a United States national; or

2062 (III) a legal permanent resident alien; or

2063 (B) of the applicant's:

2064 (I) unexpired immigrant or nonimmigrant visa status for admission into the
2065 United States;

2066 (II) pending or approved application for asylum in the United States;

2067 (III) admission into the United States as a refugee;

2068 (IV) pending or approved application for temporary protected status in the

United States;

- (V) approved deferred action status;
- (VI) pending application for adjustment of status to legal permanent resident or conditional resident; or

(VII) conditional permanent resident alien status;

- (iii) provide a description of the applicant;
- (iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;

(v) state whether the applicant has ever had a license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had a license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;

(vi) state whether the applicant intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

(vii) state whether the applicant is required to register as a sex offender, kidnap offender, or child abuse offender, in accordance with Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry;

(viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the Department of Veterans and Military Affairs;

(ix) provide all other information the division requires; and

(x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.

(b) Unless the applicant provides acceptable verification of homelessness as described in rules made by the division, an applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).

(c) An applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii)[, unless the application is for a driving privilege card].

(d) The division shall maintain on the division's computerized records an applicant's:

(i)(A) social security number;

2103 (B) temporary identification number (ITIN); or
2104 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies;
2105 and
2106 (ii) indication whether the applicant is required to register as a sex offender, kidnap
2107 offender, or child abuse offender in accordance with Title 53, Chapter 29, Sex,
2108 Kidnap, and Child Abuse Offender Registry.

2109 (9) The division shall require proof of an applicant's name, birth date, and birthplace by at
2110 least one of the following means:
2111 (a) current license certificate;
2112 (b) birth certificate;
2113 (c) Selective Service registration; or
2114 (d) other proof, including church records, family Bible notations, school records, or
2115 other evidence considered acceptable by the division.

2116 (10)(a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
2117 higher class than what the applicant originally was issued:
2118 (i) the license application is treated as an original application; and
2119 (ii) license and endorsement fees is assessed under Section 53-3-105.
2120 (b) An applicant that receives a downgraded license in a lower license class during an
2121 existing license cycle that has not expired:
2122 (i) may be issued a duplicate license with a lower license classification for the
2123 remainder of the existing license cycle; and
2124 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
2125 duplicate license is issued under Subsection (10)(b)(i).
2126 (c) An applicant who has received a downgraded license in a lower license class under
2127 Subsection (10)(b):
2128 (i) may, when eligible, receive a duplicate license in the highest class previously
2129 issued during a license cycle that has not expired for the remainder of the existing
2130 license cycle; and
2131 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
2132 duplicate license is issued under Subsection (10)(c)(i).

2133 (11)(a) When an application is received from an applicant previously licensed in another
2134 state to drive a motor vehicle, the division shall request a copy of the driver's record
2135 from the other state.
2136 (b) When received, the driver's record becomes part of the driver's record in this state

2137 with the same effect as though entered originally on the driver's record in this state.

2138 (12) An application for reinstatement of a license after the suspension, cancellation,
2139 disqualification, denial, or revocation of a previous license is accompanied by the
2140 additional fee or fees specified in Section 53-3-105.

2141 (13) An individual who has an appointment with the division for testing and fails to keep
2142 the appointment or to cancel at least 48 hours in advance of the appointment shall pay
2143 the fee under Section 53-3-105.

2144 (14) An applicant who applies for an original license or renewal of a license agrees that the
2145 individual's license is subject to a suspension or revocation authorized under this title or
2146 Title 41, Motor Vehicles.

2147 (15)(a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi)
2148 in accordance with division rule.

2149 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
2150 Management Act, the division may, upon request, release to an organ procurement
2151 organization, as defined in Section 26B-8-301, the names and addresses of all
2152 applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an
2153 anatomical gift.

2154 (ii) An organ procurement organization may use released information only to:
2155 (A) obtain additional information for an anatomical gift registry; and
2156 (B) inform licensees of anatomical gift options, procedures, and benefits.

2157 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
2158 Act, the division may release to the Department of Veterans and Military Affairs the
2159 names and addresses of all applicants who indicate their status as a veteran under
2160 Subsection (8)(a)(viii).

2161 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
2162 Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse
2163 Offender Registry office in the Department of Public Safety, the names and addresses of
2164 all applicants who, under Subsection (8)(a)(vii), indicate they are required to register as
2165 a sex offender, kidnap offender, or child abuse offender in accordance with Title 53,
2166 Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

2167 (18) The division and its employees are not liable, as a result of false or inaccurate
2168 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:
2169 (a) loss;
2170 (b) detriment; or

2171 (c) injury.

2172 (19) An applicant who knowingly fails to provide the information required under
2173 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

2174 (20) A person may not hold both an unexpired Utah license certificate and an unexpired
2175 identification card.

2176 (21)(a) An applicant who applies for an original motorcycle endorsement to a regular
2177 license certificate is exempt from the requirement to pass the knowledge and skills
2178 test to be eligible for the motorcycle endorsement if the applicant:

2179 (i) is a resident of the state of Utah;

2180 (ii)(A) is ordered to active duty and stationed outside of Utah in any of the armed
2181 forces of the United States; or

2182 (B) is an immediate family member or dependent of an individual described in
2183 Subsection (21)(a)(ii)(A) and is residing outside of Utah;

2184 (iii) has a digitized driver license photo on file with the division;

2185 (iv) provides proof to the division of the successful completion of a certified
2186 Motorcycle Safety Foundation rider training course; and

2187 (v) provides the necessary information and documentary evidence required under
2188 Subsection (8).

2189 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2190 division shall make rules:

2191 (i) establishing the procedures for an individual to obtain a motorcycle endorsement
2192 under this Subsection (21); and

2193 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
2194 this Subsection (21).

2195 Section 13. Section **53-3-206** is amended to read:

2196 **53-3-206 (Effective 07/01/27). Examination of applicant's physical and mental
2197 fitness to drive a motor vehicle.**

2198 (1) The division shall examine every applicant for a license, including a test of the
2199 applicant's:

2200 (a) eyesight either:

2201 (i) by the division; or

2202 (ii) by allowing the applicant to furnish to the division a statement from a physician
2203 licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician
2204 assistant licensed under Title 58, Chapter [70A] (70)(a), Utah Physician Assistant

Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

- (b) ability to read and understand highway signs regulating, warning, and directing traffic;
- (c) ability to read and understand simple English used in highway traffic and directional signs;
- (d) knowledge of the state traffic laws;
- (e) other physical and mental abilities the division finds necessary to determine the applicant's fitness to drive a motor vehicle safely on the highways; and
- (f) ability to exercise ordinary and responsible control driving a motor vehicle, as determined by actual demonstration or other indicator.

[(2)(a) Subject to Subsection (2)(d), and notwithstanding the provisions of Subsection (1) or any other provision of law, the division shall allow an individual to take an examination of the individual's knowledge of the state traffic laws in the individual's preferred language:]

[i] if the individual is a refugee, an approved asylee, or a covered humanitarian parolee:]

- [A] the first time the individual applies for a limited-term license certificate; and
- [B] the first time the individual applies for a renewal of a limited-term license

[(ii) for any other individual applying for a class D license certificate.]

- [(A) the first time the individual applies for a class D license certificate; and]
- [B) the first time the individual applies for a renewal of a class D license certificate.]

[b] Upon the second renewal of a refugee's, an approved asylee's, or a covered humanitarian parolee's limited-term license certificate for a refugee, an approved asylee, or a covered humanitarian parolee that has taken the knowledge exam in the individual's preferred language under Subsection (2)(a), the division shall re-examine the individual's knowledge of the state traffic laws in English.]

[ii] Upon the second renewal of an individual's class D license certificate of an individual who has taken the knowledge exam in the individual's preferred language under Subsection (2)(a)(ii), the division shall re-examine the individual's knowledge of the state traffic laws in English.]

[e] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2239 division shall make rules establishing the procedures and requirements for the
2240 examination of the individual's knowledge of the state traffic laws in the individual's
2241 preferred language.]

2242 [(d)(i) Beginning on July 1, 2023, for a class D license certificate, except for a
2243 driving privilege card issued under Section 53-3-207, the division shall administer
2244 the written knowledge examination in as many languages as reasonably possible
2245 given budgetary and other constraints.]

2246 [(ii) If the division is unable to administer the written knowledge examination in a
2247 particular language, an individual may take an examination with the assistance of
2248 a translator approved by the division.]

2249 [(iii) If an individual takes the examination with the assistance of a translator, the
2250 individual is responsible for the costs of the translator.]

2251 [(e) In order to provide the services described in Subsection (2)(d)(i), the division may
2252 contract with a private vendor to provide the translation services or technology.]

2253 [(3)(a) For an applicant for an original or a renewal of a class D license, other than a
2254 driving privilege card or a limited term license certificate, the division shall provide
2255 the examination of an individual's knowledge of the state traffic laws in five
2256 commonly spoken languages in the state, other than English, as determined under
2257 Subsektion (3)(e).]

2258 [(b) An applicant for an original or a renewal of a class D license, other than a driving
2259 privilege card or a limited term license certificate, may request to take the
2260 examination of the individual's knowledge of the state traffic laws in a language other
2261 than English, if the requested language is one of five commonly spoken languages
2262 in the state as determined under Subsektion (3)(e).]

2263 [(e)(i) The Division of Multicultural Affairs created in Seetion 9-21-201 shall
2264 recommend five commonly spoken languages in the state, other than English,
2265 for examination of an individual's knowledge of the state traffic laws.]

2266 [(ii) The division shall offer the examination of an individual's knowledge of the state
2267 traffic laws in the five commonly spoken languages, other than English,
2268 recommended by the Division of Multicultural Affairs created in Section 9-21-201.]

2269 (2) The division may offer the examination of the individual's knowledge of the state traffic
2270 laws only in English.

2271 [(4)] (3) The division shall determine whether any facts exist that would bar granting a
2272 license under Section 53-3-204.

2273 [§5] (4) The division shall examine each applicant according to the class of license [applied
2274 for] for which the applicant has applied.

2275 [§6] (5) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform
2276 Commercial Driver License Act, of this chapter.

2277 [§7] The division shall provide a report to the Transportation Interim Committee on or
2278 before October 1, 2023, regarding the written knowledge examination in languages other
2279 than English, including:]

2280 [(a) costs associated with the program;]

2281 [(b) the number of languages provided;]

2282 [(c) the likelihood of adding additional languages in the future; and]

2283 [(d) other information the division finds relevant.]

2284 Section 14. Section 53-3-207 is amended to read:

2285 **53-3-207 (Effective 07/01/27). License certificates issued to drivers by class of
2286 motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses
2287 -- Minors' licenses, cards, and permits -- Violation.**

2288 (1) As used in this section:

2289 (a) "Authorized guardian" means:

2290 (i) the parent or legal guardian of a child who:

2291 (A) is under 18 years old; and

2292 (B) has an invisible condition; or

2293 (ii) the legal guardian or conservator of an adult who:

2294 (A) is 18 years old or older; and

2295 (B) has an invisible condition.

2296 (b) "Driving privilege" means the privilege granted under this chapter to drive a motor
2297 vehicle.

2298 (c) "First responder" means:

2299 (i) a law enforcement officer, as defined in Section 53-13-103;

2300 (ii) an emergency medical technician, as defined in Section 53-2e-101;

2301 (iii) an advanced emergency medical technician, as defined in Section 53-2e-101;

2302 (iv) a paramedic, as defined in Section 53-2e-101;

2303 (v) a firefighter, as defined in Section 53H-11-306; or

2304 (vi) a dispatcher, as defined in Section 53-6-102.

2305 (d) "Governmental entity" means the state or a political subdivision of the state.

2306 (e) "Health care professional" means:

2307 (i) a licensed physician, physician assistant, nurse practitioner, or mental health
2308 therapist; or
2309 (ii) any other licensed health care professional the division designates by rule made in
2310 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2311 (f) "Invisible condition" means a physical or mental condition that may interfere with an
2312 individual's ability to communicate with a first responder, including:
2313 (i) a communication impediment;
2314 (ii) hearing loss;
2315 (iii) blindness or a visual impairment;
2316 (iv) autism spectrum disorder;
2317 (v) a drug allergy;
2318 (vi) Alzheimer's disease or dementia;
2319 (vii) post-traumatic stress disorder;
2320 (viii) traumatic brain injury;
2321 (ix) schizophrenia;
2322 (x) epilepsy;
2323 (xi) a developmental disability;
2324 (xii) Down syndrome;
2325 (xiii) diabetes;
2326 (xiv) a heart condition; or
2327 (xv) any other condition approved by the department.

2328 (g) "Invisible condition identification symbol" means a symbol or alphanumeric code
2329 that indicates that an individual is an individual with an invisible condition.

2330 (h) "Political subdivision" means any county, city, town, school district, public transit
2331 district, community reinvestment agency, special improvement or taxing district,
2332 special district, special service district, an entity created by an interlocal agreement
2333 adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other
2334 governmental subdivision or public corporation.

2335 (i) "State" means this state, and includes any office, department, agency, authority,
2336 commission, board, institution, hospital, college, university, children's justice center,
2337 or other instrumentality of the state.

2338 (2)(a) The division shall issue to every individual privileged to drive a motor vehicle, a
2339 regular license certificate, or a limited-term license certificate[~~or a driving privilege~~
2340 ~~card~~] indicating the type or class of motor vehicle the individual may drive.

2341 (b) An individual may not drive a class of motor vehicle unless granted the privilege in
2342 that class.

2343 (3)(a) Every regular license certificate[,] or limited-term license certificate[~~, or driving~~
2344 ~~privilege card~~] shall bear:

2345 (i) the distinguishing number assigned to the individual by the division;

2346 (ii) the name, birth date, and Utah residence address of the individual;

2347 (iii) a brief description of the individual for the purpose of identification;

2348 (iv) any restrictions imposed on the license under Section 53-3-208;

2349 (v) a photograph of the individual;

2350 (vi) a photograph or other facsimile of the individual's signature;

2351 (vii) an indication whether the individual intends to make an anatomical gift under
2352 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, unless the
2353 driving privilege is extended under Subsection 53-3-214(3); and

2354 (viii) except as provided in Subsection (3)(b), if the individual states that the
2355 individual is a veteran of the United States military on the application for a driver
2356 license in accordance with Section 53-3-205 and provides verification that the
2357 individual was granted an honorable or general discharge from the United States
2358 Armed Forces, an indication that the individual is a United States military veteran
2359 for a regular license certificate or limited-term license certificate issued on or after
2360 July 1, 2011.

2361 (b) A regular license certificate or limited-term license certificate issued to an individual
2362 younger than 21 years old on a portrait-style format as required in Subsection (7)(b)
2363 is not required to include an indication that the individual is a United States military
2364 veteran under Subsection (3)(a)(viii).

2365 (c) A new license certificate issued by the division may not bear the individual's social
2366 security number.

2367 (d)(i) The regular license certificate[,] or limited-term license certificate[~~, or driving~~
2368 ~~privilege card~~] shall be of an impervious material, resistant to wear, damage, and
2369 alteration.

2370 (ii) The size, form, and color of the regular license certificate[,] or limited-term
2371 license certificate[~~, or driving privilege card~~] shall be as prescribed by the
2372 commissioner.

2373 (iii) The commissioner may also prescribe the issuance of a special type of limited
2374 regular license certificate[,] or limited-term license certificate[~~, or driving~~

privilege card] under Subsection 53-3-220(4).

(4)(a) The division shall include or affix an invisible condition identification symbol on an individual's regular license certificate[,] or limited-term license certificate[,-or driving privilege card] if the individual or the individual's authorized guardian, on a form prescribed by the department:

- (i) requests the division to include the invisible condition identification symbol;
- (ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and
- (iii) signs a waiver of liability for the release of any medical information to:
 - (A) the department;
 - (B) any person who has access to the individual's medical information as recorded on the individual's driving record or the Utah Criminal Justice Information System under this chapter;
 - (C) any other person who may view or receive notice of the individual's medical information by seeing the individual's regular license certificate[,] or limited-term license certificate[,-or driving privilege card] or the individual's information in the Utah Criminal Justice Information System;
 - (D) a local law enforcement agency that receives a copy of the form described in this Subsection (4)(a) and enters the contents of the form into the local law enforcement agency's record management system or computer-aided dispatch system; and
 - (E) a dispatcher who accesses the information regarding the individual's invisible condition through the use of a local law enforcement agency's record management system or computer-aided dispatch system.

(b) As part of the form described in Subsection (4)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the signed waiver, the individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsections (4)(a)(iii)(A) through (E), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.

(c) The division may not:

- (i) charge a fee to include the invisible condition identification symbol on the individual's regular license certificate[,] or limited-term license certificate[,-or driving privilege card]; or

2409 (ii) after including the invisible condition identification symbol on the individual's
2410 previously issued regular license certificate[,] or limited-term license certificate, [
2411 ~~or driving privilege card,~~] require the individual to provide subsequent written
2412 verification described in Subsection (4)(a)(ii) to include the invisible condition
2413 identification symbol on the individual's renewed or extended regular license
2414 certificate[,] or limited-term license certificate[~~, or driving privilege card~~].

2415 (d) The division shall confirm with the Division of Professional Licensing that the health
2416 care professional described in Subsection (4)(a)(ii) holds a current state license.

2417 (e) The inclusion of an invisible condition identification symbol on an individual's
2418 license certificate[,] or limited-term license certificate[~~, or driving privilege card~~] in
2419 accordance with Subsection (4)(a) does not confer any legal rights or privileges on
2420 the individual, including parking privileges for individuals with disabilities under
2421 Section 41-1a-414.

2422 (f) For each individual issued a regular license certificate[,] or limited-term license
2423 certificate[~~, or driving privilege card~~] under this section that includes an invisible
2424 condition identification symbol, the division shall include in the division's database a
2425 brief description of the nature of the individual's invisible condition in the
2426 individual's record and provide the brief description to the Utah Criminal Justice
2427 Information System.

2428 (g) Except as provided in this section, the division may not release the information
2429 described in Subsection (4)(f).

2430 (h) Within 30 days after the day on which the division receives an individual's or the
2431 individual's authorized guardian's written request, the division shall:

2432 (i) remove from the individual's record in the division's database the invisible
2433 condition identification symbol and the brief description described in Subsection
2434 (4)(f); and

2435 (ii) provide the individual's updated record to the Utah Criminal Justice Information
2436 System.

2437 (5) As provided in Section 63G-2-302, the information described in Subsection (4)(a) is a
2438 private record for purposes of Title 63G, Chapter 2, Government Records Access and
2439 Management Act.

2440 (6)(a)(i) The division, upon determining after an examination that an applicant is
2441 mentally and physically qualified to be granted a driving privilege, may issue to
2442 an applicant a receipt for the fee if the applicant is eligible for a regular license

2443 certificate or limited-term license certificate.

2444 (ii)(A) The division shall issue a temporary regular license certificate or
2445 temporary limited-term license certificate allowing the individual to drive a
2446 motor vehicle while the division is completing the division's investigation to
2447 determine whether the individual is entitled to be granted a driving privilege.

2448 (B) A temporary regular license certificate or a temporary limited-term license
2449 certificate issued under this Subsection (6) shall be recognized and have the
2450 same rights and privileges as a regular license certificate or a limited-term
2451 license certificate.

2452 (b) The temporary regular license certificate or temporary limited-term license
2453 certificate shall be in the individual's immediate possession while driving a motor
2454 vehicle, and the temporary regular license certificate or temporary limited-term
2455 license certificate is invalid when the individual's regular license certificate or
2456 limited-term license certificate has been issued or when, for good cause, the privilege
2457 has been refused.

2458 (c) The division shall indicate on the temporary regular license certificate or temporary
2459 limited-term license certificate a date after which the temporary regular license
2460 certificate or temporary limited-term license certificate is not valid as a temporary
2461 license.

2462 [(d)(i) Except as provided in Subsection (6)(d)(ii), the division may not issue a
2463 temporary driving privilege card or other temporary permit to an applicant for a
2464 driving privilege card.]

2465 [(ii) The division may issue a learner permit issued in accordance with Section
2466 53-3-210.5 to an applicant for a driving privilege card.]

2467 (7)(a) The division shall distinguish learner permits, temporary permits, regular license
2468 certificates, and limited-term license certificates[, ~~and driving privilege cards~~]
2469 issued to any individual younger than 21 years old by use of plainly printed
2470 information or the use of a color or other means not used for other regular license
2471 certificates, or limited-term license certificates[, ~~or driving privilege cards~~].

2472 (b) The division shall distinguish a regular license certificate[,] or limited-term license
2473 certificate[, ~~or driving privilege card~~] issued to an individual younger than 21 years
2474 old by use of a portrait-style format not used for other regular license certificates[,] or
2475 limited-term license certificates[, ~~or driving privilege cards~~] and by plainly printing
2476 the date the regular license certificate[,] or limited-term license certificate[, ~~or driving~~

~~privilege card~~] holder is 21 years old.

(8) The division shall distinguish a limited-term license certificate by clearly indicating on the document:

- (a) that the limited-term license certificate is temporary; and
- (b) the limited-term license certificate's expiration date.

[9)(a) The division shall only issue a driving privilege card to an individual whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).]

[**(b) The division shall distinguish a driving privilege card from a license certificate by:**]

[(i) use of a format, color, font, or other means; and]

[ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".]

[410] (9) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.

[44] (10) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.

[(12)(a) A governmental entity may not accept a driving privilege card as proof of personal identification.]

[b) A driving privilege card may not be used as a document providing proof of an individual's age for any government required purpose.]

[13] (11) An individual who violates Subsection (2)(b) is guilty of an infraction.

[14] (12) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a[:]

[(a) driving privilege in the same way as a license or limited-term license issued under this chapter; and]

[**(b)**] limited-term license certificate [~~or driving privilege card~~] in the same way as a regular license certificate issued under this chapter.

Section 15. Section 53-3-214 is amended to read:

**53-3-214 (Effective 07/01/27). Renewal -- Fees required -- Extension without
novation.**

(1)(a) The holder of a valid license may renew the holder's license and any endorsement

2511 to the license by applying:

2512 (i) at any time within six months before the license expires; or
2513 (ii) more than six months prior to the expiration date if the applicant furnishes proof
2514 that the applicant will be absent from the state during the six-month period prior to
2515 the expiration of the license.

2516 (b) The application for a renewal of, extension of, or any endorsement to a license shall
2517 be accompanied by a fee under Section 53-3-105.

2518 (2)(a) Except as provided under Subsections (2)(b) and (3), upon application for renewal
2519 of a regular license certificate, provisional license, and any endorsement to a regular
2520 license certificate, the division shall reexamine each applicant as if for an original
2521 license and endorsement to the license, if applicable.

2522 (b) Except as provided under Subsection (2)(c), upon application for renewal of a
2523 limited-term license certificate, limited-term provisional license certificate, and any
2524 endorsement to a limited-term license certificate, the division shall:

2525 (i) reexamine each applicant as if for an original limited-term license certificate and
2526 endorsement to the limited-term license certificate, if applicable; and
2527 (ii) verify through valid documentary evidence that the status by which the individual
2528 originally qualified for the limited-term license certificate has been extended by
2529 the United States Citizenship and Immigration Services or other authorized
2530 agency of the United States Department of Homeland Security.

2531 (c) The division may waive any or all portions of the test designed to demonstrate the
2532 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

2533 (3)(a)(i) Except as provided under Subsections (3)(b) and (c), the division may renew
2534 or extend a regular license certificate or any endorsement to the regular license
2535 certificate for eight years without examination for licensees whose driving records
2536 for the eight years immediately preceding the determination of eligibility for
2537 extension show:

2538 (A) no suspensions;
2539 (B) no revocations;
2540 (C) no conviction for reckless driving under Section 41-6a-528; and
2541 (D) no more than six reportable violations in the preceding eight years.

2542 (ii) Except as provided under Subsections (3)(b) and (c), the division may renew or
2543 extend a provisional license and any endorsement to a provisional license for eight
2544 years without examination for licensees whose driving records for the five years

immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than four reportable violations in the preceding five years.

(iii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a limited term license and any endorsement to a limited term license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than four reportable violations in the preceding five years.

(b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new regular license certificate and any endorsement to a regular license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.

(c) After the expiration of a limited-term license certificate, a new limited-term license certificate and any endorsement to a limited-term license certificate may not be issued until the person has:

(i) again passed the tests under Section 53-3-206 and paid the required fee; and

(ii) presented documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(d) A person 65 years of age old or older shall take and pass the eye examination specified in Section 53-3-206.

(e) An extension may not be granted to any person:

(i) who is identified by the division as having a medical impairment that may represent a hazard to public safety;

(ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act; or

(iii) who is holding a limited-term license certificate; or ,

~~(iv) who is holding a driving privilege card issued in accordance with Section~~

2579 53-3-207.]

2580 (f) The division shall allow extensions:

2581 (i) by mail, electronic means, or other means as determined by the division at the
2582 appropriate extension fee rate under Section 53-3-105;

2583 (ii) only if the applicant qualifies under this section; and

2584 (iii) for only one extension.

2585 (g) The division may waive any or all portions of the test designed to demonstrate the
2586 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

2587 (4) In accordance with this section, the division shall coordinate with the Department of
2588 Corrections in providing an inmate with access to a driver license certificate as
2589 described in Section 64-13-10.6.

2590 Section 16. Section **53-3-221** is amended to read:

2591 **53-3-221 (Effective 07/01/27). Offenses that may result in denial, suspension,
2592 disqualification, or revocation of license -- Additional grounds for suspension -- Point
2593 system for traffic violations -- Notice and hearing -- Reporting of traffic violation
2594 procedures.**

2595 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act,
2596 the division may deny, suspend, disqualify, or revoke the license or permit of any
2597 individual without receiving a record of the individual's conviction of crime when the
2598 division has been notified or has reason to believe the individual:

2599 (a) has committed any offenses for which mandatory suspension or revocation of a
2600 license is required upon conviction under Section 53-3-220;

2601 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
2602 accident resulting in death or injury to any other individual, or serious property
2603 damage;

2604 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or
2605 physical disability rendering it unsafe for the individual to drive a motor vehicle or
2606 mobility vehicle upon the highways;

2607 (d) has committed a serious violation of the motor vehicle laws of this state;

2608 (e) has knowingly committed a violation of Section 53-3-229; or

2609 (f) has been convicted of serious offenses against traffic laws governing the movement
2610 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a
2611 disregard for the safety of other individuals on the highways.

2612 (2)(a)(i) Except as provided in Subsection 53-3-218(3), and subject to Subsection

2613 (2)(a)(ii), the division may suspend a license of an individual under Subsection (1):

2614 (A) when the individual has failed to comply with the terms stated on a traffic

2615 citation issued in this state; or

2616 (B) if the division receives a notification from a court as described in Subsection

2617 41-6a-509(11)(d) or 41-6a-517(13)(b).

2618 (ii) This Subsection (2) does not apply to highway weight limit violations or

2619 violations of law governing the transportation of hazardous materials.

2620 (b)(i) This Subsection (2) may not be exercised unless notice of the pending

2621 suspension of the driving privilege has been sent at least 30 days previously to the

2622 individual at the address provided to the division.

2623 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not

2624 contain any evidence of a suspension that occurred as a result of failure to comply

2625 with the terms stated on a traffic citation.

2626 (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny,

2627 suspend, or disqualify an individual's driver license based solely on:

2628 (a) the individual's failure to appear;

2629 (b) the individual's failure to pay an outstanding penalty accounts receivable; or

2630 (c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a)

2631 or (b).

2632 (4)(a) The division shall make rules establishing a point system as provided for in this

2633 Subsection (4).

2634 (b)(i) The division shall assign a number of points to each type of moving traffic

2635 violation as a measure of its seriousness.

2636 (ii) The points shall be based upon actual relationships between types of traffic

2637 violations and motor vehicle traffic accidents.

2638 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points

2639 against an individual's driving record for a conviction of a traffic violation:

2640 (A) that occurred in another state; and

2641 (B) that was committed on or after July 1, 2011.

2642 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

2643 (A) a reckless or impaired driving violation or a speeding violation for exceeding

2644 the posted speed limit by 21 or more miles per hour; or

2645 (B) an offense committed in another state which, if committed within Utah, would

2646 result in the mandatory suspension or revocation of a license upon conviction

2647 under Section 53-3-220.

2648 (c) Every individual convicted of a traffic violation shall have assessed against the
2649 individual's driving record the number of points that the division has assigned to the
2650 type of violation of which the individual has been convicted, except that the number
2651 of points assessed shall be decreased by 10% if on the abstract of the court record of
2652 the conviction the court has graded the severity of violation as minimum, and shall be
2653 increased by 10% if on the abstract the court has graded the severity of violation as
2654 maximum.

2655 (d)(i) A separate procedure for assessing points for speeding offenses shall be
2656 established by the division based upon the severity of the offense.

2657 (ii) The severity of a speeding violation shall be graded as:

2658 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
2659 (B) "intermediate" for exceeding the posted speed limit by 11 to 20 miles per
2660 hour; and

2661 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

2662 (iii) Consideration shall be made for assessment of no points on minimum speeding
2663 violations, except for speeding violations in school zones.

2664 (e)(i) Points assessed against an individual's driving record shall be deleted for
2665 violations occurring before a time limit set by the division.

2666 (ii) The time limit may not exceed three years.

2667 (iii) The division may also delete points to reward violation-free driving for periods
2668 of time set by the division.

2669 (f)(i) By publication in two newspapers having general circulation throughout the
2670 state, the division shall give notice of the number of points it has assigned to each
2671 type of traffic violation, the time limit set by the division for the deletion of
2672 points, and the point level at which the division will generally take action to deny
2673 or suspend under this section.

2674 (ii) The division may not change any of the information provided above regarding
2675 points without first giving new notice in the same manner.

2676 (5)(a)(i) If the division finds that the license of an individual should be denied,
2677 suspended, disqualified, or revoked under this section, the division shall
2678 immediately notify the licensee in a manner specified by the division and afford
2679 the individual an opportunity for a hearing in the county where the licensee
2680 resides.

2681 (ii) The hearing shall be documented, and the division or its authorized agent may
2682 administer oaths, may issue subpoenas for the attendance of witnesses and the
2683 production of relevant books and papers, and may require a reexamination of the
2684 licensee.

2685 (iii) One or more members of the division may conduct the hearing, and any decision
2686 made after a hearing before any number of the members of the division is as valid
2687 as if made after a hearing before the full membership of the division.

2688 (iv) After the hearing the division shall either rescind or affirm its decision to deny,
2689 suspend, disqualify, or revoke the license.

2690 (b) The denial, suspension, disqualification, or revocation of the license remains in
2691 effect pending qualifications determined by the division regarding an individual:

2692 (i) whose license has been denied or suspended following reexamination;

2693 (ii) who is incompetent to drive a motor vehicle;

2694 (iii) who is afflicted with mental or physical infirmities that might make the
2695 individual dangerous on the highways; or

2696 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle
2697 safely.

2698 (6)(a) Subject to Subsection (6)(d), the division shall suspend an individual's license
2699 when the division receives notice from the Office of Recovery Services that the
2700 Office of Recovery Services has ordered the suspension of the individual's license.

2701 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
2702 receives notice from the Office of Recovery Services that the Office of Recovery
2703 Services has rescinded the order of suspension.

2704 (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized
2705 by Section 53-3-104 may not contain any evidence of the suspension.

2706 (d)(i) If the division suspends an individual's license under this Subsection (6), the
2707 division shall, upon application, issue a temporary limited driver license to the
2708 individual if that individual needs a driver license for employment, education, or
2709 child visitation.

2710 (ii) The temporary limited driver license described in this section:

2711 (A) shall provide that the individual may operate a motor vehicle only for the
2712 purpose of driving to or from the individual's place of employment, education,
2713 or child visitation;

2714 (B) shall prohibit the individual from driving a motor vehicle for any purpose

other than a purpose described in Subsection (6)(d)(ii)(A); and

(C) shall expire 90 days after the day on which the temporary limited driver license is issued.

(iii)(A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the individual who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.

(B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):

(I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

(II) an individual suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.

(iv) The division is not required to issue a limited driver license to an individual under this Subsection (6)(d) if there are other legal grounds for the suspension of the individual's driver license.

(v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.

(7)(a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that individual in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.

(b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the individual convicted is a resident.

(8)(a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.

(b) Any nonresident who drives a motor vehicle upon a highway when the individual's license has been suspended or revoked by the division is guilty of a class C misdemeanor.

2749 (9)(a) The division may not deny or suspend the license of any individual for a period of
2750 more than one year except:

2751 (i) for failure to comply with the terms of a traffic citation under Subsection (2);
2752 (ii) upon receipt of a second or subsequent order suspending juvenile driving
2753 privileges under Section 53-3-219;
2754 (iii) when extending a denial or suspension upon receiving certain records or reports
2755 under Subsection 53-3-220(2);
2756 (iv) for failure to give and maintain owner's or operator's security under Section
2757 41-12a-411;
2758 (v) when the division suspends the license under Subsection (6); or
2759 (vi) when the division denies the license under Subsection (14).

2760 (b) The division may suspend the license of an individual under Subsection (2) until the
2761 individual shows satisfactory evidence of compliance with the terms of the traffic
2762 citation.

2763 (10)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
2764 Act, the division may suspend the license of any individual without receiving a
2765 record of the individual's conviction for a crime when the division has reason to
2766 believe that the individual's license was granted by the division through error or fraud
2767 or that the necessary consent for the license has been withdrawn or is terminated.

2768 (b) The procedure upon suspension is the same as under Subsection (5), except that after
2769 the hearing the division shall either rescind its order of suspension or cancel the
2770 license.

2771 (11)(a) The division, having good cause to believe that a licensed driver is incompetent
2772 or otherwise not qualified to be licensed, may upon notice in a manner specified by
2773 the division of at least five days to the licensee require the licensee to submit to an
2774 examination.

2775 (b) Upon the conclusion of the examination the division may suspend or revoke the
2776 individual's license, permit the individual to retain the license, or grant a license
2777 subject to a restriction imposed in accordance with Section 53-3-208.

2778 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
2779 suspension or revocation of the licensee's license.

2780 (12)(a) Except as provided in Subsection (12)(b), a report authorized by Section
2781 53-3-104 may not contain any evidence of a conviction for speeding on an interstate
2782 system in this state if the conviction was for a speed of 10 miles per hour or less,

2783 above the posted speed limit and did not result in an accident, unless authorized in a
2784 manner specified by the division by the individual whose report is being requested.

2785 (b) The provisions of Subsection (12)(a) do not apply for:

2786 (i) a CDIP or CDL license holder; or

2787 (ii) a violation that occurred in a commercial motor vehicle.

2788 (13)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
2789 Act, the division may suspend the license of an individual if it has reason to believe
2790 that the individual is the owner of a motor vehicle for which security is required
2791 under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
2792 Operators Act, and has driven the motor vehicle or permitted it to be driven within
2793 this state without the security being in effect.

2794 [~~(b) The division may suspend a driving privilege card holder's driving privilege~~

2795 ~~card if the division receives notification from the Motor Vehicle Division that:~~]

2796 [~~(i) the driving privilege card holder is the registered owner of a vehicle; and~~]

2797 [~~(ii) the driving privilege card holder's vehicle registration has been revoked under~~
2798 ~~Subsection 41-1a-110(2)(a)(ii)(A)-~~]

2799 [~~(e)~~] (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
2800 security applies to individuals whose driving privileges are suspended under this
2801 Subsection (13).

2802 (14) The division may deny an individual's license if the individual fails to comply with the
2803 requirement to downgrade the individual's CDL to a class D license under Section
2804 53-3-409 or 53-3-410.1.

2805 (15) The division may deny an individual's class A, B, C, or D license if the individual fails
2806 to comply with the requirement to have a K restriction removed from the individual's
2807 license.

2808 (16) Any suspension or revocation of an individual's license under this section also
2809 disqualifies any license issued to that individual under Part 4, Uniform Commercial
2810 Driver License Act.

2811 Section 17. Section **53-3-236** is amended to read:

2812 **53-3-236 (Effective 07/01/27). Interdicted person identifier -- License notation.**

2813 (1) If the division receives a notification from a court as provided in Section 41-6a-505,
2814 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the
2815 division:

2816 (a)(i) may accept an application from the individual for a duplicate license that

2817 includes an interdicted person identifier; and

2818 (ii) if the individual submits an application and qualifies for a license certificate, may

2819 provide a license certificate with the interdicted person identifier; or

2820 (b)(i) may accept an application from the individual for a renewal of a license or an

2821 original license with an interdicted person identifier; and

2822 (ii) if the individual submits an application and qualifies for a license certificate, may

2823 provide a license certificate with an interdicted person identifier.

2824 (2) The division may not provide to an individual a license certificate without the

2825 interdicted person identifier during the time period the court has designated the person

2826 as an interdicted person.

2827 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or

2828 renewal of a license that includes an interdicted person identifier.

2829 (b) An individual that voluntarily applies for a duplicate license, original license, or

2830 renewal of a license with an interdicted person identifier may not apply for another

2831 duplicate license, original license, or renewal of a license without the interdicted

2832 person identifier for at least 30 days after the application for the license certificate

2833 with the interdicted person identifier.

2834 (4) An individual may not hold a license certificate with an interdicted person identifier

2835 while also holding another license certificate.

2836 (5) The division may charge an administrative fee as described in Subsection [53-3-105(40)]

2837 53-3-105(38) to an individual to process and provide a license certificate with an

2838 interdicted person identifier.

2839 (6) An individual who is designated as an interdicted person by a court is subject to the

2840 duplicate license fee and other fees necessary to administer the license certificate with

2841 the interdicted person identifier.

2842 Section 18. Section **53-5a-602** is amended to read:

2843 **53-5a-602 (Effective 07/01/27). Criminal background check prior to purchase of**

2844 **a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement**

2845 **officers.**

2846 (1)[(a)] To establish personal identification and residence in this state for purposes of

2847 this part, a dealer shall require an individual receiving a firearm to present one photo

2848 identification on a form issued by a governmental agency of the state.

2849 [(b) A dealer may not accept a driving privilege card issued under Section 53-3-207

2850 as proof of identification for the purpose of establishing personal identification and

2851 ~~residence in this state as required under this Subsection (1).]~~

2852 (2)(a) A criminal history background check is required for the sale of a firearm by a
2853 licensed firearm dealer in the state.

2854 (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms
2855 Licensee.

2856 (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a
2857 criminal background check, on a form provided by the bureau.

2858 (b) The form shall contain the following information:

2859 (i) the dealer identification number;
2860 (ii) the name and address of the individual receiving the firearm;
2861 (iii) the date of birth, height, weight, eye color, and hair color of the individual
2862 receiving the firearm; and
2863 (iv) the social security number or any other identification number of the individual
2864 receiving the firearm.

2865 (4)(a) The dealer shall send the information required by Subsection (3) to the bureau
2866 immediately upon its receipt by the dealer.

2867 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
2868 provided the bureau with the information in Subsection (3) and has received approval
2869 from the bureau under Subsection (6).

2870 (5) The dealer shall make a request for criminal history background information by
2871 telephone or other electronic means to the bureau and shall receive approval or denial of
2872 the inquiry by telephone or other electronic means.

2873 (6) When the dealer calls for or requests a criminal history background check, the bureau
2874 shall:

2875 (a) review the criminal history files, including juvenile court records, and the temporary
2876 restricted file created under Section 53-5a-504, to determine if the individual is
2877 prohibited from purchasing, possessing, or transferring a firearm by state or federal
2878 law;

2879 (b) inform the dealer that:

2880 (i) the records indicate the individual is prohibited; or
2881 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

2882 (c) provide the dealer with a unique transaction number for that inquiry; and

2883 (d) provide a response to the requesting dealer during the call for a criminal background
2884 check, or by return call, or other electronic means, without delay, except in case of

2885 electronic failure or other circumstances beyond the control of the bureau, the bureau
2886 shall advise the dealer of the reason for the delay and give the dealer an estimate of
2887 the length of the delay.

2888 (7)(a) The bureau may not maintain any records of the criminal history background
2889 check longer than 20 days from the date of the dealer's request, if the bureau
2890 determines that the individual receiving the firearm is not prohibited from
2891 purchasing, possessing, or transferring the firearm under state or federal law.

2892 (b) However, the bureau shall maintain a log of requests containing the dealer's federal
2893 firearms number, the transaction number, and the transaction date for a period of 12
2894 months.

2895 (8)(a) If the criminal history background check discloses information indicating that the
2896 individual attempting to purchase the firearm is prohibited from purchasing,
2897 possessing, or transferring a firearm, the bureau shall:

2898 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,
2899 possessing, or transferring a firearm, notify the law enforcement agency in the
2900 jurisdiction where the dealer is located; and

2901 (ii) inform the law enforcement agency in the jurisdiction where the individual
2902 resides.

2903 (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a
2904 firearm solely due to placement on the temporary restricted list under Section
2905 53-5a-504.

2906 (c) A law enforcement agency that receives information from the bureau under
2907 Subsection (8)(a) shall provide a report before August 1 of each year to the bureau
2908 that includes:

2909 (i) based on the information the bureau provides to the law enforcement agency under
2910 Subsection (8)(a), the number of cases that involve an individual who is
2911 prohibited from purchasing, possessing, or transferring a firearm as a result of a
2912 conviction for an offense involving domestic violence; and

2913 (ii) of the cases described in Subsection (8)(c)(i):
2914 (A) the number of cases the law enforcement agency investigates; and
2915 (B) the number of cases the law enforcement agency investigates that result in a
2916 criminal charge.

2917 (d) The bureau shall:

2918 (i) compile the information from the reports described in Subsection (8)(c);

2919 (ii) omit or redact any identifying information in the compilation; and
2920 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim
2921 Committee before November 1 of each year.

2922 (9) If an individual is denied the right to purchase a firearm under this section, the
2923 individual may review the individual's criminal history information and may challenge
2924 or amend the information as provided in Section 53-10-108.

2925 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
2926 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of
2927 all records provided by the bureau under this part are in conformance with the
2928 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107
2929 Stat. 1536 (1993).

2930 (11)(a) A dealer shall collect a criminal history background check fee for the sale of a
2931 firearm under this section.
2932 (b) The fee described under Subsection (11)(a) remains in effect until changed by the
2933 bureau through the process described in Section 63J-1-504.
2934 (c)(i) The dealer shall forward at one time all fees collected for criminal history
2935 background checks performed during the month to the bureau by the last day of
2936 the month following the sale of a firearm.
2937 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to
2938 cover the cost of administering and conducting the criminal history background
2939 check program.

2940 (12)(a) An individual with a concealed firearm permit issued under Section 53-5a-303 or
2941 a provisional concealed firearm permit issued under Section 53-5a-304 is exempt
2942 from the background check and corresponding fee required in this section for the
2943 purchase of a firearm if:
2944 (i) the individual presents the individual's concealed firearm permit to the dealer prior
2945 to purchase of the firearm; and
2946 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit
2947 is valid.
2948 (b) An individual with a temporary permit to carry a concealed firearm issued under
2949 Section 53-5a-305 is not exempt from a background check and the corresponding fee
2950 required in this section for the purchase of a firearm.

2951 (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the
2952 background check fee required in this section for the purchase of a personal firearm

2953 to be carried while off-duty if the law enforcement officer verifies current
2954 employment by providing a letter of good standing from the officer's commanding
2955 officer and current law enforcement photo identification.
2956 (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a
2957 personal firearm once in a 24-month period.
2958 (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm
2959 shall:
2960 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to
2961 a customer free of charge; and
2962 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under
2963 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,
2964 short barreled rifle, rifle, or another firearm that federal law does not require be
2965 accompanied by a gun lock at the time of purchase.

2966 Section 19. Section **53-10-202** is amended to read:

2967 **53-10-202 (Effective 07/01/27). Criminal identification -- Duties of bureau.**

2968 The bureau shall:

2969 (1) procure and file information relating to identification and activities of persons who:
2970 (a) are fugitives from justice;
2971 (b) are wanted or missing;
2972 (c) have been arrested for or convicted of a crime under the laws of any state or nation;
2973 and
2974 (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
2975 (2) establish a statewide uniform crime reporting system that shall include:
2976 (a) statistics concerning general categories of criminal activities;
2977 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
2978 religion, ancestry, national origin, ethnicity, or other categories that the division finds
2979 appropriate;
2980 (c) statistics concerning the use of force by law enforcement officers in accordance with
2981 the Federal Bureau of Investigation's standards; and
2982 (d) other statistics required by the Federal Bureau of Investigation;
2983 (3) make a complete and systematic record and index of the information obtained under this
2984 part;
2985 (4) subject to the restrictions in this part, establish policy concerning the use and
2986 dissemination of data obtained under this part;

2987 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of
2988 crime in Utah;

2989 (6) establish a statewide central register for the identification and location of missing
2990 persons, which may include:
2991 (a) identifying data including fingerprints of each missing person;
2992 (b) identifying data of any missing person who is reported as missing to a law
2993 enforcement agency having jurisdiction;
2994 (c) dates and circumstances of any persons requesting or receiving information from the
2995 register; and
2996 (d) any other information, including blood types and photographs found necessary in
2997 furthering the purposes of this part;

2998 (7) publish a quarterly directory of missing persons for distribution to persons or entities
2999 likely to be instrumental in the identification and location of missing persons;

3000 (8) list the name of every missing person with the appropriate nationally maintained
3001 missing persons lists;

3002 (9) establish and operate a 24-hour communication network for reports of missing persons
3003 and reports of sightings of missing persons;

3004 (10) coordinate with the National Center for Missing and Exploited Children and other
3005 agencies to facilitate the identification and location of missing persons and the
3006 identification of unidentified persons and bodies;

3007 (11) receive information regarding missing persons as provided in Sections 26B-8-130 and
3008 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section
3009 41-1a-1401;

3010 (12) adopt systems of identification, including the fingerprint system, to be used by the
3011 division to facilitate law enforcement;

3012 (13) assign a distinguishing number or mark of identification to any pistol or revolver, as
3013 provided in Section 53-5a-105;

3014 (14) check certain criminal records databases for information regarding motor vehicle
3015 salesperson applicants, maintain a separate file of fingerprints for motor vehicle
3016 salespersons, and inform the Motor Vehicle Enforcement Division when new entries are
3017 made for certain criminal offenses for motor vehicle salespersons in accordance with the
3018 requirements of Section 41-3-205.5;

3019 ~~(15) check certain criminal records databases for information regarding driving privilege
3020 card applicants or cardholders and maintain a separate file of fingerprints for driving~~

3021 privilege applicants and cardholders and inform the federal Immigration and Customs
3022 Enforcement Agency of the United States Department of Homeland Security when new
3023 entries are made in accordance with the requirements of Section 53-3-205.5;]

3024 [(16)] (15) review and approve or disapprove applications for license renewal that meet the
3025 requirements for renewal; and

3026 [(17)] (16) forward to the board those applications for renewal under Subsection [(16)] (15)
3027 that do not meet the requirements for renewal.

3028 Section 20. Section **58-37c-10** is amended to read:

3029 **58-37c-10 (Effective 07/01/27). Reporting and recordkeeping.**

3030 (1) Any person who engages in a regulated transaction, unless excepted under the
3031 provisions of Subsections 58-37c-8(3) and (4), shall submit a report with respect to such
3032 transaction and shall maintain records of inventories in accordance with rules adopted by
3033 the division.

3034 (2) The division shall provide reporting forms upon which regulated transactions shall be
3035 reported.

3036 (3) The division shall furnish copies of reports of transactions under this section to
3037 appropriate law enforcement agencies.

3038 (4) The division shall adopt rules regulating:

3039 (a) records which shall be maintained and reports which shall be submitted by regulated
3040 distributors and regulated purchasers with respect to listed controlled substance
3041 precursors obtained, distributed, and held in inventory;

3042 (b) records which shall be maintained and reports which shall be submitted by regulated
3043 distributors and regulated purchasers with respect to extraordinary or unusual
3044 regulated transactions and a requirement that in such cases the report must be
3045 received at least three working days prior to transfer of the listed controlled substance
3046 precursor;

3047 (c) identification which must be presented by a purchaser of any listed controlled
3048 substance precursor before the sale or transfer can be completed and recordkeeping
3049 requirements related to such identification presented;

3050 (d) filing by each licensee the identification of all locations where any listed controlled
3051 substance precursor is held in inventory or stored and amending such filing when any
3052 change in location is made;

3053 (e) reports and actions which must be taken by a regulated distributor or regulated
3054 purchaser in the event of any theft, loss, or shortage of a listed controlled substance

3055 precursor;

3056 (f) reports and actions which must be taken by a regulated distributor relating to a
3057 regulated transaction with an out-of-state purchaser;

3058 (g) reports and actions which must be taken by a regulated purchaser relating to a
3059 regulated transaction with an out-of-state distributor; and

3060 (h) regulated transactions to the extent such regulation is reasonable and necessary to
3061 protect the public health, safety, or welfare.

3062 ~~(5) A person who engages in a regulated transaction may not accept a driving privilege~~
3063 ~~card issued in accordance with Section 53-3-207 as proof of identification as required~~
3064 ~~under Subsection (4)(e).]~~

3065 Section 21. Section **63G-12-205** is amended to read:

3066 **63G-12-205 (Effective 07/01/27). Eligibility criteria to obtain and maintain a**
3067 **guest worker permit.**

3068 (1) To be eligible to obtain or maintain a guest worker permit, an undocumented individual
3069 shall:

3070 (a)(i) be 18 years ~~of age~~ old or older; or
3071 (ii) if younger than 18 years ~~of age~~ old, have the permission of a parent or guardian;

3072 (b) live in Utah;

3073 (c) have worked or lived in Utah before May 10, 2011;

3074 (d) provide relevant contact information and regularly update the relevant contact
3075 information in a manner required by rule made in accordance with Chapter 3, Utah
3076 Administrative Rulemaking Act;

3077 (e) provide documentation of a contract for hire under which the undocumented
3078 individual begins to provide services within at least 30 days of the day on which the
3079 undocumented individual obtains the permit;

3080 (f)(i) agree to a criminal background check described in Subsection (3); and
3081 (ii) not have been convicted of, pled guilty to, pled no contest to, pled guilty in a
3082 similar manner to, or resolved by diversion or its equivalent to a serious felony;

3083 (g) provide evidence satisfactory to the department that the person would not be
3084 inadmissible for public health grounds under 8 U.S.C. Sec. 1182;

3085 (h)(i) be covered by a basic health insurance plan; or
3086 (ii) provide evidence satisfactory to the department that the undocumented individual
3087 has no medical debt that is past due and agrees to have no medical debt that is past
3088 due during the term of the permit; and

3089 (i) [hold a driving privilege card issued in accordance with Section 53-3-207; or]
3090 [provide evidence satisfactory to the department that the undocumented
3091 individual will not drive a motor vehicle in the state.]

3092 (2) The department may by rule made in accordance with Chapter 3, Utah Administrative
3093 Rulemaking Act, provide for the documentation required to establish eligibility under
3094 Subsection (1). When making a rule under this section, the department shall use federal
3095 standards as a guideline to avoid unnecessary duplication and additional costs.

3096 (3)(a) The department shall require an undocumented individual applying for a guest
3097 worker permit, or renewing a guest worker permit, to submit to a criminal
3098 background check as a condition of receiving or renewing the guest worker permit.

3099 (b) An undocumented individual required to submit to a criminal background check
3100 under Subsection (3)(a), shall:

3101 (i) submit a fingerprint card in a form acceptable to the department; and
3102 (ii) consent to a fingerprint background check by:
3103 (A) the Utah Bureau of Criminal Identification; and
3104 (B) the Federal Bureau of Investigation, including the secure communities
3105 program when possible.

3106 (c) For an undocumented individual who submits a fingerprint card and consents to a
3107 fingerprint background check under Subsection (3)(b), the department may request:
3108 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
3109 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification;
3110 and
3111 (ii) complete Federal Bureau of Investigation criminal background checks through
3112 the national criminal history system and secure communities program.

3113 (d) Information obtained by the department from the review of criminal history records
3114 received under this Subsection (3) shall be used by the department to determine
3115 eligibility to obtain a permit.

3116 (e) The department shall:
3117 (i) pay to the Federal Bureau of Investigation the costs incurred by the Federal
3118 Bureau of Investigation in providing the department criminal background
3119 information under this Subsection (3); and
3120 (ii) in accordance with Section 63J-1-504, charge the undocumented individual
3121 applying for the permit a fee equal to the aggregate of the costs incurred by the
3122 department under this Subsection (3) and the amount paid under Subsection

3123 (3)(e)(i).

3124 Section 22. Section **63G-12-401** is amended to read:

3125 **63G-12-401 (Effective 07/01/27). Creation of identity documents -- Issuance to**
3126 **citizens, nationals, and legal permanent resident aliens -- Exceptions.**

3127 (1) The following entities may create, publish, or otherwise manufacture an identification
3128 document, identification card, or identification certificate and possess an engraved plate
3129 or other device for the printing of an identification document:

3130 (a) a federal, state, or local government agency for employee identification, which is
3131 designed to identify the bearer as an employee;

3132 (b) a federal, state, or local government agency for purposes authorized or required by
3133 law or a legitimate purpose consistent with the duties of the agency, including such
3134 documents as voter identification cards, identification cards, passports, birth
3135 certificates, and Social Security cards; and

3136 (c) a public school or state or private educational institution to identify the bearer as an
3137 administrator, faculty member, student, or employee.

3138 (2) The name of the issuing entity shall be clearly printed upon the face of the identification
3139 document.

3140 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity
3141 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall
3142 issue the document, card, or certificate only to:

3143 (a) a United States citizen;

3144 (b) a national; or

3145 (c) a legal permanent resident alien.

3146 (4)(a) Subsection (3) does not apply to an applicant for an identification document who
3147 presents, in person, valid documentary evidence of the applicant's:

3148 (i) unexpired immigrant or nonimmigrant visa status for admission into the United
3149 States;

3150 (ii) pending or approved application for asylum in the United States;

3151 (iii) admission into the United States as a refugee;

3152 (iv) pending or approved application for temporary protected status in the United
3153 States;

3154 (v) approved deferred action status; or

3155 (vi) pending application for adjustment of status to legal permanent resident or
3156 conditional resident.

3157 (b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)
3158 identification document to an applicant who satisfies the requirements of
3159 Subsection (4)(a).

3160 (ii) Except as otherwise provided by federal law, the document is valid only:
3161 (A) during the period of time of the individual's authorized stay in the United
3162 States; or
3163 (B) for one year from the date of issuance if there is no definite end to the
3164 individual's period of authorized stay.

3165 (iii) An entity issuing an identification document under this Subsection (4) shall
3166 clearly indicate on the document:
3167 (A) that it is temporary; and
3168 (B) its expiration date.

3169 (c) An individual may renew a document issued under this Subsection (4) only upon
3170 presentation of valid documentary evidence that the status by which the individual
3171 originally qualified for the identification document has been extended by the United
3172 States Citizenship and Immigration Services or other authorized agency of the United
3173 States Department of Homeland Security.

3174 (5)(a) Subsection (3) does not apply to an identification document issued under
3175 Subsection (1)(c) that:

3176 (i) is only valid for use on the educational institution's campus or facility; and
3177 (ii) includes a statement of the restricted use conspicuously printed upon the face of
3178 the identification document.

3179 (b) Subsection (3) does not apply to a license certificate[~~, driving privilege card,~~] or
3180 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver
3181 License Act.

3182 (c) Subsection (3) does not apply to a public transit pass issued by a public transit
3183 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:
3184 (i) is only valid for use on the public transit system; and
3185 (ii) includes a statement of the restricted use conspicuously printed on the face of the
3186 public transit pass.

3187 (d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.

3188 (e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot
3189 Sponsored Resident Immigrant Program Act.

3190 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or

3191 national origin.

3192 Section 23. Section **76-9-1117** is amended to read:

3193 **76-9-1117 (Effective 07/01/27). Unlawful transfer of proof of age.**

3194 (1)(a) As used in this section[:],

3195 [(i) "Proof" proof of age" means:

3196 [(A)] (i) a valid identification card issued under Title 53, Chapter 3, Part 8,

3197 Identification Card Act;

3198 [(B)] (ii) a valid identification that:

3199 [(H)] (A) is substantially similar to an identification card issued under Title 53,
3200 Chapter 3, Part 8, Identification Card Act;

3201 [(H)] (B) is issued in accordance with the laws of a state other than Utah in which
3202 the identification is issued;

3203 [(H)] (C) includes date of birth; and

3204 [(H)] (D) has a picture affixed;

3205 [(E)] (iii) a valid driver license certificate that is issued under Title 53, Chapter 3,
3206 Uniform Driver License Act, or in accordance with the laws of the state in which
3207 the valid driver license is issued;

3208 [(E)] (iv) a valid United States military identification card that:

3209 [(H)] (A) includes date of birth; and

3210 [(H)] (B) has a picture affixed; or

3211 [(E)] (v) a valid passport.

3212 [(ii) "Proof of age" does not include a driving privilege card issued in accordance
3213 with Section 53-3-207.]

3214 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

3215 (2) Except as provided in Subsection (4), an actor commits unlawful transfer of proof of
3216 age if the actor intentionally or knowingly transfers the actor's proof of age to another
3217 individual to aid that individual in:

3218 (a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product;
3219 or

3220 (b) gaining admittance to any part of the premises of a retail tobacco specialty business.

3221 (3) A violation of Subsection (2) is a class B misdemeanor.

3222 (4) Subsection (2) does not apply to an individual who uses a false identification in
3223 accordance with Subsection 77-39-101(4) at the request of a peace officer.

3224 Section 24. **Repealer.**

3225 This bill repeals:

3226 Section **53-3-205.5, Fingerprint and photograph submission requirements for driving**
3227 **privilege card applicants and cardholders -- Approved private fingerprint vendor requests --**
3228 **Division approval of a vendor.**

3229 Section 25. **Effective Date.**

3230 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2027.
3231 (2) The actions affecting the following sections take effect on May 6, 2026:
3232 (a) Section 41-6a-404 (Effective 05/06/26); and
3233 (b) Section 53-3-204 (Effective 05/06/26).