

Trevor Lee proposes the following substitute bill:

Immigrant Driving Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

LONG TITLE

General Description:

This bill repeals the driving privilege card program.

Highlighted Provisions:

This bill:

- repeals the driving privilege card program;
- prohibits the Driver License Division from issuing a driving privilege card on or after May 6, 2026;
- makes technical changes throughout the Utah Code related to the repeal of the driving privilege card program;
- repeals provisions allowing the driver license examination for knowledge of the state traffic laws to be offered in languages other than English;
- requires law enforcement to report to the Immigration and Customs Enforcement Agency of the United States Department of Homeland Security if an individual who is unlawfully present in the United states is involved in a motor vehicle accident;
- creates a rebuttable presumption of fault for purposes of an insurance claim if an unlawfully present individual is involved in a motor vehicle accident; and
- makes other technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

32B-1-102 (Effective 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 16

32B-1-406 (Effective 07/01/27), as enacted by Laws of Utah 2010, Chapter 276

41-6a-404 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 372

46-1-2 (Effective 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 16

53-3-102 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 471

53-3-105 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 471

53-3-106 (Effective 07/01/27), as last amended by Laws of Utah 2024, Chapter 134

53-3-204 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 262

53-3-205 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 291

53-3-206 (Effective 07/01/27), as last amended by Laws of Utah 2024, Chapter 113

53-3-207 (Effective 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

53-3-214 (Effective 07/01/27), as last amended by Laws of Utah 2023, Chapter 414

53-3-221 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 296

53-3-236 (Effective 07/01/27), as enacted by Laws of Utah 2025, Chapter 471

53-5a-602 (Effective 07/01/27), as renumbered and amended by Laws of Utah 2025, Chapter 208

53-10-202 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapters 173, 208

58-37c-10 (Effective 07/01/27), as last amended by Laws of Utah 2008, Chapter 322

63G-12-205 (Effective 07/01/27), as enacted by Laws of Utah 2011, Chapter 18

63G-12-401 (Effective 07/01/27), as last amended by Laws of Utah 2011, Chapter 20 and renumbered and amended by Laws of Utah 2011, Chapter 18

76-9-1117 (Effective 07/01/27), as renumbered and amended by Laws of Utah 2025, Chapter 173

ENACTS:

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

REPEALS:

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

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

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

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

As used in this chapter:

- (1) "Account" means the Pawnbroker, Secondhand Merchandise, and Catalytic Converter Operations Restricted Account created in Section 13-32a-113.
- (2) "Antique item" means an item:
 - (a) that is generally older than 25 years;
 - (b) whose value is based on age, rarity, condition, craftsmanship, or collectability;
 - (c) that is furniture or other decorative objects produced in a previous time period, as distinguished from new items of a similar nature; and
 - (d) obtained from auctions, estate sales, other antique shops, and individuals.
- (3) "Antique shop" means a business operating at an established location that deals primarily in the purchase, exchange, or sale of antique items.
- (4) "Automated recycling kiosk" means an interactive machine that:
 - (a) is installed inside a commercial site used for the selling of goods and services to consumers;
 - (b) is monitored remotely by a live representative during the hours of operation;
 - (c) only engages in secondhand merchandise transactions involving wireless communication devices; and
 - (d) has the following technological functions:
 - (i) verifies the seller's identity by a live representative using the individual's identification;
 - (ii) generates a ticket; and
 - (iii) electronically transmits the secondhand merchandise transaction information to the central database.
- (5) "Automated recycling kiosk operator" means a person whose sole business activity is the operation of one or more automated recycling kiosks.
- (6) "Catalytic converter" means the same as that term is defined in Section 76-6-1402.
- (7)(a) "Catalytic converter purchase" means a purchase from an individual of a used catalytic converter that is no longer affixed to a vehicle.
- (b) "Catalytic converter purchase" does not mean a purchase of a catalytic converter:
 - (i) from a business regularly engaged in automobile repair, crushing, dismantling, recycling, or salvage;
 - (ii) from a new or used vehicle dealer licensed under Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

- 97 (iii) from another catalytic converter purchaser; or
98 (iv) that has never been affixed to a vehicle.
- 99 (8) "Catalytic converter purchaser" means a person who purchases a used catalytic
100 converter in a catalytic converter purchase.
- 101 (9) "Central database" or "database" means the electronic database created and operated
102 under Section 13-32a-105.
- 103 (10) "Children's product" means a used item that is for the exclusive use of children, or for
104 the care of children, including clothing and toys.
- 105 (11) "Children's product resale business" means a business operating at a commercial
106 location and primarily selling children's products.
- 107 (12) "Coin" means a piece of currency, usually metallic and usually in the shape of a disc
108 that is:
- 109 (a) stamped metal, and issued by a government as monetary currency; or
110 (b)(i) worth more than its current value as currency; and
111 (ii) worth more than its metal content value.
- 112 (13) "Coin dealer" means a person whose sole business activity is the selling and
113 purchasing of numismatic items and precious metals.
- 114 (14) "Collectible paper money" means paper currency that is no longer in circulation and is
115 sold and purchased for the paper currency's collectible value.
- 116 (15)(a) "Commercial grade precious metals" or "precious metals" means ingots,
117 monetized bullion, art bars, medallions, medals, tokens, and currency that are marked
118 by the refiner or fabricator indicating their fineness and include:
- 119 (i) .99 fine or finer ingots of gold, silver, platinum, palladium, or other precious
120 metals; or
121 (ii) .925 fine sterling silver ingots, art bars, and medallions.
- 122 (b) "Commercial grade precious metals" or "precious metals" does not include jewelry.
- 123 (16) "Consignment shop" means a business, operating at an established location:
- 124 (a) that deals primarily in the offering for sale property owned by a third party; and
125 (b) where the owner of the property only receives consideration upon the sale of the
126 property by the business.
- 127 (17) "Division" means the Division of Consumer Protection created in Chapter 1,
128 Department of Commerce.
- 129 (18) "Exonumia" means a privately issued token for trade that is sold and purchased for the
130 token's collectible value.

- (19) "Gift card" means a record that:
- (a) is usable at:
 - (i) a single merchant; or
 - (ii) a specified group of merchants;
 - (b) is prefunded before the record is used; and
 - (c) can be used for the purchase of goods or services.
- (20) "Identification" means any of the following non-expired forms of identification issued by a state government, the United States government, or a federally recognized Indian tribe, if the identification includes a unique number, photograph of the bearer, and date of birth:
- (a) a United States Passport or United States Passport Card;
 - (b) a state-issued driver license;
 - (c) a state-issued identification card;
 - (d) a state-issued concealed carry permit;
 - (e) a United States military identification;
 - (f) a United States resident alien card; or
 - (g) an identification of a federally recognized Indian tribe[; ~~or~~].
 - ~~[(h) notwithstanding Section 53-3-207, a Utah driving privilege card.]~~
- (21) "IMEI number" means an International Mobile Equipment Identity number.
- (22) "Indicia of being new" means property that:
- (a) is represented by the individual pawning or selling the property as new;
 - (b) is unopened in the original packaging; or
 - (c) possesses other distinguishing characteristics that indicate the property is new.
- (23) "Local law enforcement agency" means the law enforcement agency that has direct responsibility for ensuring compliance with central database reporting requirements for the jurisdiction where the pawn or secondhand business or catalytic converter purchaser is located.
- (24) "Numismatic item" means a coin, collectible paper money, or exonomia.
- (25) "Original victim" means a victim who is not a party to the pawn or sale transaction or catalytic converter purchase and includes:
- (a) an authorized representative designated in writing by the original victim; and
 - (b) an insurer who has indemnified the original victim for the loss of the described property.
- (26) "Pawn or secondhand business" means a business operated by a pawnbroker or

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

(27) "Pawn transaction" means:

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

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

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

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

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

(31) "Property" means an article of tangible personal property, numismatic item, precious metal, gift card, transaction card, or other physical or digital card or certificate evidencing store credit, and includes a wireless communication device.

(32) "Retail media item" means recorded music, a movie, or a video game that is produced and distributed in hard copy format for retail sale.

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

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

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

- (i) engages in a secondhand merchandise transaction; and
- (ii) does not engage in a pawn transaction.
- (b) "Secondhand merchandise dealer" includes a coin dealer and an automated recycling kiosk operator.
- (c) "Secondhand merchandise dealer" does not include:
 - (i) an antique shop when dealing in antique items;

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

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

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

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

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

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

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

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

As used in this part:

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

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

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

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

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

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

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

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

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

(9) "Manufacture" includes:

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

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

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

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

~~[(11)]~~ (10) "Manufacturer sealed electronic cigarette product" means:

(a) an electronic cigarette substance or container that the electronic cigarette

manufacturer does not intend for a consumer to open or refill; or

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

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

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

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

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

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

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

(a) does not contain tobacco or nicotine; and

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

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

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

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

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

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

(c) restaurants, cafes, or cafeterias;

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

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

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

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

(h) sports or fitness facilities;

- (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and breakfast" lodging facilities, and other similar lodging facilities, including the lobbies, hallways, elevators, restaurants, cafeterias, other designated dining areas, and restrooms of any of these;
- (j)(i) any child care facility or program subject to licensure or certification under this title, including those operated in private homes, when any child cared for under that license is present; and
- (ii) any child care, other than child care as defined in Section 26B-2-401, that is not subject to licensure or certification under this title, when any child cared for by the provider, other than the child of the provider, is present;
- (k) public or private elementary or secondary school buildings and educational facilities or the property on which those facilities are located;
- (l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or religious organization when used solely by the organization members or the members' guests or families;
- (m) any facility rented or leased for private functions from which the general public is excluded and arrangements for the function are under the control of the function sponsor;
- (n) any workplace that is not a place of public access or a publicly owned building or office but has one or more employees who are not owner-operators of the business;
- (o) any area where the proprietor or manager of the area has posted a conspicuous sign stating "no smoking", "thank you for not smoking", or similar statement; and
- (p) a holder of a bar establishment license, as defined in Section 32B-1-102.

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

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

[(ii)] (b) a valid identification that:

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

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

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

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

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

- Uniform Driver License Act, or in accordance with the laws of the state in which the valid driver license is issued;
- ~~[(iv)]~~ (d) a valid United States military identification card that:
- ~~[(A)]~~ (i) includes date of birth; and
- ~~[(B)]~~ (ii) has a picture affixed; or
- ~~[(v)]~~ (e) a valid passport.
- ~~[(b) "Proof of age" does not include a valid driving privilege card issued in accordance with Section 53-3-207.]~~
- (19) "Publicly owned building or office" means any enclosed indoor place or portion of a place owned, leased, or rented by any state, county, or municipal government, or by any agency supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, county, or municipal taxes.
- (20) "Retail tobacco specialty business" means the same as that term is defined:
- (a) as it relates to a municipality, in Section 10-8-41.6; and
- (b) as it relates to a county, in Section 17-50-333.
- (21) "Shisha" means any product that:
- (a) contains tobacco or nicotine; and
- (b) is smoked or intended to be smoked in a hookah or water pipe.
- (22) "Smoking" means:
- (a) the possession of any lighted or heated tobacco product in any form;
- (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or hookah that contains:
- (i) tobacco or any plant product intended for inhalation;
- (ii) shisha or non-tobacco shisha;
- (iii) nicotine;
- (iv) a natural or synthetic tobacco substitute; or
- (v) a natural or synthetic flavored tobacco product;
- (c) using an electronic cigarette; or
- (d) using an oral smoking device intended to circumvent the prohibition of smoking in this part.
- (23) "Tax commission license" means a license issued by the State Tax Commission under:
- (a) Section 59-14-201 to sell a cigarette at retail;
- (b) Section 59-14-301 to sell a tobacco product at retail; or
- (c) Section 59-14-803 to sell an electronic cigarette product or a nicotine product.

(24) "Tobacco product" means:

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

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

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

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

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

As used in this title:

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

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

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

(2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

(3) "Alcoholic beverage" means the following:

(a) beer; or

(b) liquor.

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

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

(ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than .5% of alcohol by volume.

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

(c) "Alcoholic product" does not include any of the following common items that otherwise come within the definition of an alcoholic product:

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

(ii) vinegar;

(iii) preserved nonintoxicating cider;

(iv) essence;

(v) tincture;

(vi) food preparation; or

(vii) an over-the-counter medicine.

(d) "Alcoholic product" includes an extract containing alcohol obtained by distillation when it is used as a flavoring in the manufacturing of an alcoholic product.

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

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

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

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

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

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

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

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

(7) "Arena" means an enclosed building:

(a) that is managed by:

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

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

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

(b) that operates as a venue; and

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

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

(9) "Banquet" means an event:

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

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

(i) a hotel;

(ii) a resort facility;

(iii) a sports center;

(iv) a convention center;

(v) a performing arts facility;

(vi) an arena;

(vii) a restaurant venue; or

(viii) an amphitheater;

(c) for which there is a contract:

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

(b) a vessel; or

(c) a similar item.

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

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

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

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

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

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

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

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

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

(a) an auditor or inspector; and

(b) employed by the department.

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

(34) "Dining club 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 dining club license.

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

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

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

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

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

(i) drawing an alcoholic product; and

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

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

(i) a full-service restaurant license;

(ii) a limited-service restaurant license;

(iii) a reception center license;

(iv) a beer-only restaurant license;

- 573 (v) a bar license;
- 574 (vi) an on-premise beer retailer;
- 575 (vii) an airport lounge license;
- 576 (viii) an on-premise banquet license; and
- 577 (ix) a hospitality amenity license.
- 578 (38) "Dispensing structure" means a surface or structure on a licensed premises:
- 579 (a) where an alcoholic product is dispensed; or
- 580 (b) from which an alcoholic product is served.
- 581 (39) "Distillery manufacturing license" means a license issued in accordance with Chapter
- 582 11, Part 4, Distillery Manufacturing License.
- 583 (40) "Distressed merchandise" means an alcoholic product in the possession of the
- 584 department that is saleable, but for some reason is unappealing to the public.
- 585 (41) "Domestic airport" means an airport that:
- 586 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 587 (b) receives scheduled commercial passenger aircraft service; and
- 588 (c) is not an international airport.
- 589 (42) "Equity license" means a license issued in accordance with Chapter 5, Retail License
- 590 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 591 commission as an equity license.
- 592 (43) "Event permit" means:
- 593 (a) a single event permit; or
- 594 (b) a temporary beer event permit.
- 595 (44) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 596 considered in determining the total number of retail licenses that the commission may
- 597 issue at any time.
- 598 (45)(a) "Flavored malt beverage" means a beverage:
- 599 (i) that contains at least .5% alcohol by volume;
- 600 (ii) for which the producer is required to file a formula for approval with the federal
- 601 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
- 602 the beverage is treated by processing, filtration, or another method of manufacture
- 603 that is not generally recognized as a traditional process in the production of a beer,
- 604 ale, porter, stout, lager, or malt liquor; and
- 605 (iii) for which the producer is required to file a formula for approval with the federal
- 606 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because

- 607 the beverage includes an ingredient containing alcohol.
- 608 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
609 ethanol-based flavoring agent that contributes to the overall alcohol content of the
610 beverage.
- 611 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 612 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 613 (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License
614 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
615 commission as a fraternal license.
- 616 (47) "Full-service restaurant license" means a license issued in accordance with Chapter 5,
617 Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 618 (48)(a) "Furnish" means by any means to provide with, supply, or give an individual an
619 alcoholic product, by sale or otherwise.
- 620 (b) "Furnish" includes to:
- 621 (i) serve;
- 622 (ii) deliver; or
- 623 (iii) otherwise make available.
- 624 (49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- 625 (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 626 (51) "Health care practitioner" means:
- 627 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 628 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 629 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 630 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
631 Act;
- 632 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
633 Nurse Practice Act;
- 634 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
635 Practice Act;
- 636 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
637 Therapy Practice Act;
- 638 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 639 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
640 Professional Practice Act;

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

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

- (i)(A) contains more than 5% alcohol by volume;
- (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes more than 10% of the overall alcohol content of the product; or
- (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and has a label or packaging that is rejected under Subsection 32B-1-606(3)(b); and
- (ii) is obtained by fermentation, infusion, or decoction of:
 - (A) malt; or
 - (B) a malt substitute.

(b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume, contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol content of the heavy beer.

(c) "Heavy beer" does not include:

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

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

(53) "Hospitality amenity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

- (54)(a) "Hotel" means a commercial lodging establishment that:
- (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
 - (ii) is capable of hosting conventions, conferences, and food and beverage functions under a banquet contract; and
 - (iii)(A) has adequate kitchen or culinary facilities on the premises to provide complete meals;
 - (B) has at least 1,000 square feet of function space consisting of meeting or dining rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or
 - (C) if the establishment is located in a small or unincorporated locality, has an appropriate amount of function space consisting of meeting or dining rooms that can be reserved for private use under a banquet contract, as determined by the commission.
- (b) "Hotel" includes a commercial lodging establishment that:
- (i) meets the requirements under Subsection (54)(a); and
 - (ii) has one or more privately owned dwelling units.
- (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8b, Hotel License Act.
- (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act.
- (57) "Industry representative" means an individual who is compensated by salary, commission, or other means for representing and selling an alcoholic product of a manufacturer, supplier, or importer of liquor.
- (58) "Industry representative sample" means liquor that is placed in the possession of the department for testing, analysis, and sampling by a local industry representative on the premises of the department to educate the local industry representative of the quality and characteristics of the product.
- (59)(a) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing of an alcoholic product is prohibited by:
- (i) law; or
 - (ii) court order.
- (b) "Interdicted person" includes a person who voluntarily obtains a driver license certificate under Section 53-3-236 or an identification card under Section 53-3-805 with an interdicted person identifier.

- (60) "International airport" means an airport:
- (a) with a United States Customs and Border Protection office on the premises of the airport; and
 - (b) at which international flights may enter and depart.
- (61) "Intoxicated" or "intoxication" means that an individual exhibits plain and easily observable outward manifestations of behavior or physical signs produced by or as a result of the use of:
- (a) an alcoholic product;
 - (b) a controlled substance;
 - (c) a substance having the property of releasing toxic vapors; or
 - (d) a combination of products or substances described in Subsections (61)(a) through (c).
- (62) "Investigator" means an individual who is:
- (a) a department compliance officer; or
 - (b) a nondepartment enforcement officer.
- (63) "License" means:
- (a) a retail license;
 - (b) a sublicense;
 - (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License;
 - (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses Act;
 - (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
 - (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
 - (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- (64) "Licensee" means a person who holds a license.
- (65) "Limited-service restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other than a bus or taxicab:
- (a) in which the driver and a passenger are separated by a partition, glass, or other barrier;
 - (b) that is provided by a business entity to one or more individuals at a fixed charge in accordance with the business entity's tariff; and
 - (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.

- (82) "Off-premise beer retailer state license" means a state license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- (83) "On-premise banquet license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- (84) "On-premise beer retailer" means a beer retailer who is:
- (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and
 - (b) engaged in the sale of beer to a patron for consumption on the beer retailer's premises:
 - (i) regardless of whether the beer retailer sells beer for consumption off the licensed premises; and
 - (ii) on and after March 1, 2012, operating:
 - (A) as a tavern; or
 - (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- (85) "Opaque" means impenetrable to sight.
- (86) "Package agency" means a retail liquor location operated:
- (a) under an agreement with the department; and
 - (b) by a person:
 - (i) other than the state; and
 - (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package Agency, to sell packaged liquor for consumption off the premises of the package agency.
- (87) "Package agent" means a person who holds a package agency.
- (88) "Patron" means an individual to whom food, beverages, or services are sold, offered for sale, or furnished, or who consumes an alcoholic product including:
- (a) a customer;
 - (b) a member;
 - (c) a guest;
 - (d) an attendee of a banquet or event;
 - (e) an individual who receives room service;
 - (f) a resident of a resort; or
 - (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity 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 ~~(i)~~ (a) an identification card;
- 896 ~~(ii)~~ (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 ~~(iii)~~ (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 ~~(iv)~~ (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~~

Section 53-3-207.]

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

- (a) for a full-service restaurant sublicense, the provisions applicable to a full-service restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- (b) for a limited-service restaurant sublicense, the provisions applicable to a limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
- (c) for a bar establishment sublicense, the provisions applicable to a bar establishment license under Chapter 6, Part 4, Bar Establishment License;
- (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity license under Chapter 6, Part 10, Hospitality Amenity License; and
- (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d, Part 2, Resort Spa Sublicense.

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

(i) owned or leased by:

(A) the state; or

(B) a local government entity; and

(ii) used for:

(A) public education;

(B) transacting public business; or

(C) regularly conducting government activities.

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

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

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

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

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

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

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

(i) inscribed on a tangible medium; or

(ii) stored in an electronic or other medium and is retrievable in a perceivable form.

(b) "Record" includes:

(i) a book;

(ii) a book of account;

(iii) a paper;

(iv) a contract;

(v) an agreement;

(vi) a document; or

(vii) a recording in any medium.

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

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

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

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

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

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

(a) over-serving alcoholic beverages to customers;

(b) serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated; and

(c) serving alcoholic beverages to minors.

(111) "Restaurant" means a business location:

(a) at which a variety of foods are prepared;

(b) at which complete meals are served; and

(c) that is engaged primarily in serving meals.

(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.

(116)(a) "School" means a building in which any part is used for more than three hours each weekday during a school year as a public or private:

- (i) elementary school;
- (ii) secondary school; or
- (iii) kindergarten.

(b) "School" does not include:

- (i) a nursery school;
- (ii) a day care center;
- (iii) a trade and technical school;
- (iv) a preschool;
- (v) a home school;
- (vi) a home-based microschool as defined in Section 53G-6-201; or
- (vii) a micro-education entity as defined in Section 53G-6-201.

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

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

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

(120) "Sexually oriented entertainer" means a person who while in a state of seminudity appears at or performs:

- (a) for the entertainment of one or more patrons;
- (b) on the premises of:
 - (i) a bar licensee; or
 - (ii) a tavern;
- (c) on behalf of or at the request of the licensee described in Subsection (120)(b);
- (d) on a contractual or voluntary basis; and
- (e) whether or not the person is designated as:
 - (i) an employee;
 - (ii) an independent contractor;
 - (iii) an agent of the licensee; or

(iv) a different type of classification.

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

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

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

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

(b) excluding beer, heavy beer, or flavored malt beverage the brewer:

(i) manufactures that is unfit for consumption as, or in, a beverage, as the commission determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

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

(124) "Small or unincorporated locality" means:

(a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;

(b) a town, as classified under Section 10-2-301; or

(c) an unincorporated area in a county of the third, fourth, or fifth class, as classified under Section 17-60-104.

(125) "Spa sublicense" means a sublicense:

(a) to a resort license or hotel license; and

(b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa Sublicense.

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

(127)(a) "Spirituos liquor" means liquor that is distilled.

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

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

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

(i) on behalf of a business, including a package agent, licensee, permittee, or 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

- 1117 (ii) operated by a state employee.
- 1118 (b) "State store" does not include:
- 1119 (i) a package agency;
- 1120 (ii) a licensee; or
- 1121 (iii) a permittee.
- 1122 (133)(a) "Storage area" means an area on licensed premises where the licensee stores an
- 1123 alcoholic product.
- 1124 (b) "Store" means to place or maintain in a location an alcoholic product.
- 1125 (134) "Sublicense" means:
- 1126 (a) any of the following licenses issued as a subordinate license to, and contingent on the
- 1127 issuance of, a principal license:
- 1128 (i) a full-service restaurant license;
- 1129 (ii) a limited-service restaurant license;
- 1130 (iii) a bar establishment license;
- 1131 (iv) an on-premise banquet license;
- 1132 (v) an on-premise beer retailer license;
- 1133 (vi) a beer-only restaurant license; or
- 1134 (vii) a hospitality amenity license; or
- 1135 (b) a spa sublicense.
- 1136 (135) "Supplier" means a person who sells an alcoholic product to the department.
- 1137 (136) "Tavern" means an on-premise beer retailer who is:
- 1138 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
- 1139 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 1140 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
- 1141 On-Premise Beer Retailer License.
- 1142 (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,
- 1143 Part 4, Temporary Beer Event Permit.
- 1144 (138) "Temporary domicile" means the principal place of abode within Utah of a person
- 1145 who does not have a present intention to continue residency within Utah permanently or
- 1146 indefinitely.
- 1147 (139) "Translucent" means a substance that allows light to pass through, but does not allow
- 1148 an object or person to be seen through the substance.
- 1149 (140) "Unsaleable liquor merchandise" means a container that:
- 1150 (a) is unsaleable because the container is:

- 1151 (i) unlabeled;
- 1152 (ii) leaky;
- 1153 (iii) damaged;
- 1154 (iv) difficult to open; or
- 1155 (v) partly filled;
- 1156 (b)(i) has faded labels or defective caps or corks;
- 1157 (ii) has contents that are:
 - 1158 (A) cloudy;
 - 1159 (B) spoiled; or
 - 1160 (C) chemically determined to be impure; or
- 1161 (iii) contains:
 - 1162 (A) sediment; or
 - 1163 (B) a foreign substance; or
- 1164 (c) is otherwise considered by the department as unfit for sale.
- 1165 (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural
- 1166 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
- 1167 another ingredient is added.
- 1168 (b) "Wine" includes:
 - 1169 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
 - 1170 Sec. 4.10; and
 - 1171 (ii) hard cider.
- 1172 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
- 1173 this title.
- 1174 (142) "Winery manufacturing license" means a license issued in accordance with Chapter
- 1175 11, Part 3, Winery Manufacturing License.
- 1176 Section 4. Section **32B-1-406** is amended to read:
- 1177 **32B-1-406 (Effective 07/01/27). Acceptance of identification.**
- 1178 (1) An authorized person may accept as evidence of the legal age of the individual
- 1179 presenting the following:
 - 1180 (a) proof of age; or
 - 1181 (b) if a statement of age is required under Section 32B-1-405:
 - 1182 (i) proof of age; and
 - 1183 (ii) a statement of age.
- 1184 (2) A statement of age, if properly completed, signed, and filed in accordance with Section

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

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

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

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

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

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

41-6a-404 (Effective 05/06/26). Accident reports -- When confidential -- Insurance policy information -- Use as evidence -- Penalty for false information.

(1) As used in this section:

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

(ii) "Accident report" may include:

(A) a police report;

(B) a motor vehicle collision report;

(C) a reportable accident report;

(D) a driving under the influence report;

(E) an animal control report;

(F) any witness statement or witness recording;

(G) an ambulance medical record or bill;

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

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

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

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

(ii) witness statements;

(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 [(e)] (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

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

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

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

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

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

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

(c) A person who violates this Subsection (9) is guilty of a class A misdemeanor.

Section 6. Section **41-6a-410** is enacted to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

As used in this chapter:

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

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

(3) "Commission" means:

(a) to empower to perform notarial acts; or

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

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

(5) "Electronic notarization" means:

(a) a remote notarization; or

(b) a notarization:

(i) in an electronic format;

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

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

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

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

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

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

As used in this chapter:

- (1) "Autocycle" means a motor vehicle that:
 - (a) is designed to travel with three or fewer wheels in contact with the ground; and
 - (b) is equipped with:
 - (i) a steering mechanism;
 - (ii) seat belts; and
 - (iii) seating that does not require the operator to straddle or sit astride the motor vehicle.
- (2) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.
- (3) "Class D license" means the class of license issued to drive motor vehicles not defined as commercial motor vehicles or motorcycles under this chapter.
- (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:
 - (a) issued under Section 53-3-408; or
 - (b) issued by a state or other jurisdiction of domicile in compliance with the standards contained in 49 C.F.R. Part 383.
- (5) "Commercial driver license" or "CDL" means a license:
 - (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and
 - (b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(i).
- (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:
 - (i) applies to a person who holds or is required to hold a commercial driver instruction permit or a CDL license; and
 - (ii) contains the following:
 - (A) information contained in the driver history, including convictions, pleas held in abeyance, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, committed in any type of vehicle;

(B) driver self-certification status information under Section 53-3-410.1; and

(C) information from medical certification record keeping in accordance with 49

C.F.R. Sec. 383.73(o).

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

(7)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, or gross combination weight rating or gross combination weight of

26,001 or more pounds or a lesser rating as determined by federal regulation;

(ii) is designed to transport 16 or more passengers, including the driver; or

(iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

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

(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation as a motor carrier for hire;

(iii) firefighting and emergency vehicles;

(iv) recreational vehicles that are not used in commerce and are driven solely as family or personal conveyances for recreational purposes; and

(v) vehicles used to provide transportation network services, as defined in Section 13-51-102.

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

(a) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

(b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance

1559 in court;

1560 (c) a plea of guilty or nolo contendere accepted by the court;

1561 (d) the payment of a fine or court costs; or

1562 (e) violation of a condition of release without bail, regardless of whether the penalty is
1563 rebated, suspended, or probated.

1564 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
1565 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's
1566 Security, do not apply.

1567 (10) "Director" means the division director appointed under Section 53-3-103.

1568 (11) "Disqualification" means either:

1569 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of
1570 a person's privileges to drive a commercial motor vehicle;

1571 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
1572 that a person is no longer qualified to drive a commercial motor vehicle under 49
1573 C.F.R. Part 391; or

1574 (c) the loss of qualification that automatically follows conviction of an offense listed in
1575 49 C.F.R. Part 383.51.

1576 (12) "Division" means the Driver License Division of the department created in Section
1577 53-3-103.

1578 (13) "Downgrade" means to obtain a lower license class than what was originally issued
1579 during an existing license cycle.

1580 (14) "Drive" means:

1581 (a) to operate or be in physical control of a motor vehicle upon a highway; and

1582 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
1583 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any
1584 place within the state.

1585 (15)(a) "Driver" means an individual who drives, or is in actual physical control of a
1586 motor vehicle in any location open to the general public for purposes of vehicular
1587 traffic.

1588 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
1589 who is required to hold a CDL under Part 4, Uniform Commercial Driver License
1590 Act, or federal law.

1591 ~~[(16) "Driving privilege card" means the evidence of the privilege granted and issued under~~
1592 ~~this chapter to drive a motor vehicle to a person whose privilege was obtained without~~

providing evidence of lawful presence in the United States.]

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "License certificate" evidence includes:

(i) a regular license certificate;

(ii) a limited-term license certificate;

[(iii)] a driving privilege card;

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

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

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

1627 ~~[(vii)]~~ (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,

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

~~[(39)]~~ (38)(a) "Private passenger carrier" means any motor vehicle for hire that is:

- (i) designed to transport 15 or fewer passengers, including the driver; and
- (ii) operated to transport an employee of the person that hires the motor vehicle.

(b) "Private passenger carrier" does not include:

- (i) a taxicab;
- (ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;
- (iii) a motor vehicle driven for transportation network services as defined in Section 13-51-102; and
- (iv) a motor vehicle driven for a transportation network company as defined in Section 13-51-102 and registered with the Division of Consumer Protection as described in Section 13-51-104.

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

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

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

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

~~[(44)]~~ (43)(a) "Resident" means an individual who:

- (i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;
- (ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other than seasonal work in this state, and who does not commute into the state;
- (iii) declares himself to be a resident of this state by obtaining a valid Utah driver

license certificate or motor vehicle registration; or

- (iv) declares himself a resident of this state to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees.

(b) "Resident" does not include any of the following:

- (i) a member of the military, temporarily stationed in this state;
- (ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the student engages in any type of employment in this state;
- (iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned by or representing an employer, religious or private organization, or a governmental entity; or
- (iv) an immediate family member who resides with or a household member of a person listed in Subsections ~~[(44)(b)(i)]~~ (43)(b)(i) through (iii).

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

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

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

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

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

Section 9. Section **53-3-105** is amended to read:

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

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

- (1) An original class D license application under Section 53-3-205 is \$52.
- (2) An original provisional license application for a class D license under Section 53-3-205 is \$39.
- (3) An original limited term license application under Section 53-3-205 is \$32.
- (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.
- (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

individual's age.

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

(b) The fee described in Subsection (31)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

- (i) a homeless shelter, as defined in Section 35A-16-305;
- (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- (iii) the Department of Workforce Services;
- (iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113; or
- (v) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

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

(b) The fee described in Subsection (32)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, from:

- (i) a homeless shelter, as defined in Section 35A-16-305;
- (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- (iii) the Department of Workforce Services; or
- (iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113.

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

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

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

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

~~[(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

- 1899 under Section 53-3-210.5 or an equivalent by another state or branch of the United
1900 States Armed Forces for six months; or
- 1901 (vii) is younger than 18 years old and applying for a CDL under 49 C.F.R. Part 383.
- 1902 (b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:
- 1903 (i) who has been licensed before July 1, 1967; or
- 1904 (ii) who is 16 years old or older making application for a license who has been
1905 licensed in another state or country.
- 1906 (2) The division may not issue a license certificate to a person:
- 1907 (a) whose license has been suspended, denied, cancelled, or disqualified during the
1908 period of suspension, denial, cancellation, or disqualification;
- 1909 (b) whose privilege has been revoked, except as provided in Section 53-3-225;
- 1910 (c) who has previously been adjudged mentally incompetent and who has not at the time
1911 of application been restored to competency as provided by law;
- 1912 (d) who is required by this chapter to take an examination unless the person successfully
1913 passes the examination;
- 1914 (e) whose driving privileges have been denied or suspended under:
- 1915 (i) Section 80-6-707 by an order of the juvenile court; or
- 1916 (ii) Section 53-3-231; or
- 1917 (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card
1918 issued under Part 8, Identification Card Act, unless:
- 1919 (i) the Utah identification card is canceled; and
- 1920 (ii) if the Utah identification card is in the person's possession, the Utah identification
1921 card is surrendered to the division.
- 1922 (3)(a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle
1923 endorsement to a person who:
- 1924 (i) has not been granted an original or provisional class D license, a CDL, or an
1925 out-of-state equivalent to an original or provisional class D license or a CDL; and
- 1926 (ii) if the person is under 19 years old, has not held a motorcycle learner permit for
1927 two months unless Subsection (3)(b) applies.
- 1928 (b) The division may waive the two month motorcycle learner permit holding period
1929 requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the
1930 division that the person has completed a motorcycle rider education program that
1931 meets the requirements under Section 53-3-903.
- 1932 (c) The division may grant a motorcycle endorsement to a person under 19 years old

who has not held a motorcycle learner permit for two months if the person was issued a motorcycle endorsement prior to July 1, 2008.

- (4) The division may grant a class D license to a person whose commercial license is disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not otherwise sanctioned under this chapter.

(5)(a) The division may not grant a driving privilege card on or after May 6, 2026.

(b) A driving privilege card that is issued on or before May 5, 2026, is valid until the expiration date of the driving privilege card.

Section 12. Section **53-3-205** is amended to read:

53-3-205 (Effective 07/01/27). Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.

- (1) An application for an original license, provisional license, or endorsement shall be:

- (a) made upon a form furnished by the division; and
- (b) accompanied by a nonrefundable fee set under Section 53-3-105.

- (2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:

- (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months after the date of the application;
- (b) a learner permit if needed pending completion of the application and testing process; and
- (c) an original class D license and license certificate after all tests are passed and requirements are completed.

- (3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:

- (a) not more than three attempts to pass both the knowledge and skills tests within six months after the date of the application;
- (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- (c) a motorcycle or taxicab endorsement when all tests are passed.

- (4) An application for a commercial class A, B, or C license entitles the applicant to:

- (a) not more than two attempts to pass a knowledge test when accompanied by the fee provided in Subsection 53-3-105(18);
- (b) not more than two attempts to pass a skills test when accompanied by a fee in 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

- license expires on the same date as the last license certificate issued.
- (d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.
- (e)(i) A regular license certificate and an endorsement to the regular license certificate held by an individual described in Subsection (7)(e)(ii), that expires during the time period the individual is stationed outside of the state, is valid until 90 days after the individual's orders are terminated, the individual is discharged, or the individual's assignment is changed or terminated, unless:
- (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or
 - (B) the licensee updates the information or photograph on the license certificate.
- (ii) The provisions in Subsection (7)(e)(i) apply to an individual:
- (A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;
 - (B) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;
 - (C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or
 - (D) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.
- (f)(i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:
- (A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or
 - (B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.
- (ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fifth year following the year that the limited-term license certificate was issued.
- ~~[(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the 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 ~~[(FV)] (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

- 2069 United States;
- 2070 (V) approved deferred action status;
- 2071 (VI) pending application for adjustment of status to legal permanent resident or
- 2072 conditional resident; or
- 2073 (VII) conditional permanent resident alien status;
- 2074 (iii) provide a description of the applicant;
- 2075 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
- 2076 and, if so, when and by what state or country;
- 2077 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,
- 2078 disqualified, or denied in the last 10 years, or whether the applicant has ever had a
- 2079 license application refused, and if so, the date of and reason for the suspension,
- 2080 cancellation, revocation, disqualification, denial, or refusal;
- 2081 (vi) state whether the applicant intends to make an anatomical gift under Title 26B,
- 2082 Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, in compliance with
- 2083 Subsection (15);
- 2084 (vii) state whether the applicant is required to register as a sex offender, kidnap
- 2085 offender, or child abuse offender, in accordance with Title 53, Chapter 29, Sex,
- 2086 Kidnap, and Child Abuse Offender Registry;
- 2087 (viii) state whether the applicant is a veteran of the United States military, provide
- 2088 verification that the applicant was granted an honorable or general discharge from
- 2089 the United States Armed Forces, and state whether the applicant does or does not
- 2090 authorize sharing the information with the Department of Veterans and Military
- 2091 Affairs;
- 2092 (ix) provide all other information the division requires; and
- 2093 (x) sign the application which signature may include an electronic signature as
- 2094 defined in Section 46-4-102.
- 2095 (b) Unless the applicant provides acceptable verification of homelessness as described in
- 2096 rules made by the division, an applicant shall have a Utah residence address, unless
- 2097 the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).
- 2098 (c) An applicant shall provide evidence of lawful presence in the United States in
- 2099 accordance with Subsection (8)(a)(ii)[~~unless the application is for a driving~~
- 2100 ~~privilege card~~].
- 2101 (d) The division shall maintain on the division's computerized records an applicant's:
- 2102 (i)(A) social security number;

(B) temporary identification number (ITIN); or

(C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies;

and

(ii) indication 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.

(9) The division shall require proof of an applicant's name, birth date, and birthplace by at least one of the following means:

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

(d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.

(10)(a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than what the applicant originally was issued:

(i) the license application is treated as an original application; and

(ii) license and endorsement fees is assessed under Section 53-3-105.

(b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:

(i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and

(ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a duplicate license is issued under Subsection (10)(b)(i).

(c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):

(i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and

(ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a duplicate license is issued under Subsection (10)(c)(i).

(11)(a) When an application is received from an applicant previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.

(b) When received, the driver's record becomes part of the driver's record in this state

with the same effect as though entered originally on the driver's record in this state.

- (12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license is accompanied by the additional fee or fees specified in Section 53-3-105.
- (13) An individual who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.
- (14) An applicant who applies for an original license or renewal of a license agrees that the individual's license is subject to a suspension or revocation authorized under this title or Title 41, Motor Vehicles.
- (15)(a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi) in accordance with division rule.
- (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an anatomical gift.
- (ii) An organ procurement organization may use released information only to:
- (A) obtain additional information for an anatomical gift registry; and
- (B) inform licensees of anatomical gift options, procedures, and benefits.
- (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all applicants who indicate their status as a veteran under Subsection (8)(a)(viii).
- (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse Offender Registry office in the Department of Public Safety, the names and addresses of all applicants who, under Subsection (8)(a)(vii), indicate they are 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.
- (18) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:
- (a) loss;
- (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

2205 Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry
2206 Practice Act;

2207 (b) ability to read and understand highway signs regulating, warning, and directing
2208 traffic;

2209 (c) ability to read and understand simple English used in highway traffic and directional
2210 signs;

2211 (d) knowledge of the state traffic laws;

2212 (e) other physical and mental abilities the division finds necessary to determine the
2213 applicant's fitness to drive a motor vehicle safely on the highways; and

2214 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as
2215 determined by actual demonstration or other indicator.

2216 ~~[(2)(a) Subject to Subsection (2)(d), and notwithstanding the provisions of Subsection~~
2217 ~~(1) or any other provision of law, the division shall allow an individual to take an~~
2218 ~~examination of the individual's knowledge of the state traffic laws in the individual's~~
2219 ~~preferred language:]~~

2220 ~~[(i) if the individual is a refugee, an approved asylee, or a covered humanitarian~~
2221 ~~parolee:]~~

2222 ~~[(A) the first time the individual applies for a limited-term license certificate; and]~~
2223 ~~[(B) the first time the individual applies for a renewal of a limited-term license~~
2224 ~~certificate; and]~~

2225 ~~[(ii) for any other individual applying for a class D license certificate:]~~

2226 ~~[(A) the first time the individual applies for a class D license certificate; and]~~
2227 ~~[(B) the first time the individual applies for a renewal of a class D license~~
2228 ~~certificate.]~~

2229 ~~[(b)(i) Upon the second renewal of a refugee's, an approved asylee's, or a covered~~
2230 ~~humanitarian parolee's limited-term license certificate for a refugee, an approved~~
2231 ~~asylee, or a covered humanitarian parolee that has taken the knowledge exam in~~
2232 ~~the individual's preferred language under Subsection (2)(a), the division shall~~
2233 ~~re-examine the individual's knowledge of the state traffic laws in English.]~~

2234 ~~[(ii) Upon the second renewal of an individual's class D license certificate of an~~
2235 ~~individual who has taken the knowledge exam in the individual's preferred~~
2236 ~~language under Subsection (2)(a)(ii), the division shall re-examine the individual's~~
2237 ~~knowledge of the state traffic laws in English.]~~

2238 ~~[(e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~

division shall make rules establishing the procedures and requirements for the examination of the individual's knowledge of the state traffic laws in the individual's preferred language.]

[(d)(i) Beginning on July 1, 2023, for a class D license certificate, except for a driving privilege card issued under Section 53-3-207, the division shall administer the written knowledge examination in as many languages as reasonably possible given budgetary and other constraints.]

[(ii) If the division is unable to administer the written knowledge examination in a particular language, an individual may take an examination with the assistance of a translator approved by the division.]

[(iii) If an individual takes the examination with the assistance of a translator, the individual is responsible for the costs of the translator.]

[(e) In order to provide the services described in Subsection (2)(d)(i), the division may contract with a private vendor to provide the translation services or technology.]

[(3)(a) For an applicant for an original or a renewal of a class D license, other than a driving privilege card or a limited term license certificate, the division shall provide the examination of an individual's knowledge of the state traffic laws in five commonly spoken languages in the state, other than English, as determined under Subsection (3)(c).]

[(b) An applicant for an original or a renewal of a class D license, other than a driving privilege card or a limited term license certificate, may request to take the examination of the individual's knowledge of the state traffic laws in a language other than English, if the requested language is one of five commonly spoken languages in the state as determined under Subsection (3)(c).]

[(e)(i) The Division of Multicultural Affairs created in Section 9-21-201 shall recommend five commonly spoken languages in the state, other than English, for examination of an individual's knowledge of the state traffic laws.]

[(ii) The division shall offer the examination of an individual's knowledge of the state traffic laws in the five commonly spoken languages, other than English, recommended by the Division of Multicultural Affairs created in Section 9-21-201.]

(2) The division may offer the examination of the individual's knowledge of the state traffic laws only in English.

[(4)] (3) The division shall determine whether any facts exist that would bar granting a 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~~

2375 ~~privilege card]~~ under Subsection 53-3-220(4).

2376 (4)(a) The division shall include or affix an invisible condition identification symbol on
2377 an individual's regular license certificate[;] or limited-term license certificate[; ~~or~~
2378 ~~driving privilege card]~~ if the individual or the individual's authorized guardian, on a
2379 form prescribed by the department:

2380 (i) requests the division to include the invisible condition identification symbol;

2381 (ii) provides written verification from a health care professional that the individual is
2382 an individual with an invisible condition; and

2383 (iii) signs a waiver of liability for the release of any medical information to:

2384 (A) the department;

2385 (B) any person who has access to the individual's medical information as recorded
2386 on the individual's driving record or the Utah Criminal Justice Information
2387 System under this chapter;

2388 (C) any other person who may view or receive notice of the individual's medical
2389 information by seeing the individual's regular license certificate[;] or
2390 limited-term license certificate[; ~~or driving privilege card]~~ or the individual's
2391 information in the Utah Criminal Justice Information System;

2392 (D) a local law enforcement agency that receives a copy of the form described in
2393 this Subsection (4)(a) and enters the contents of the form into the local law
2394 enforcement agency's record management system or computer-aided dispatch
2395 system; and

2396 (E) a dispatcher who accesses the information regarding the individual's invisible
2397 condition through the use of a local law enforcement agency's record
2398 management system or computer-aided dispatch system.

2399 (b) As part of the form described in Subsection (4)(a), the department shall advise the
2400 individual or the individual's authorized guardian that by submitting the signed
2401 waiver, the individual or the individual's authorized guardian consents to the release
2402 of the individual's medical information to any person described in Subsections
2403 (4)(a)(iii)(A) through (E), even if the person is otherwise ineligible to access the
2404 individual's medical information under state or federal law.

2405 (c) The division may not:

2406 (i) charge a fee to include the invisible condition identification symbol on the
2407 individual's regular license certificate[;] or limited-term license certificate[; ~~or~~
2408 ~~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~~

- 2477 privilege-card] holder is 21 years old.
- 2478 (8) The division shall distinguish a limited-term license certificate by clearly indicating on
- 2479 the document:
- 2480 (a) that the limited-term license certificate is temporary; and
- 2481 (b) the limited-term license certificate's expiration date.
- 2482 ~~[(9)(a) The division shall only issue a driving privilege card to an individual whose~~
- 2483 ~~privilege was obtained without providing evidence of lawful presence in the United~~
- 2484 ~~States as required under Subsection 53-3-205(8).]~~
- 2485 ~~[(b) The division shall distinguish a driving privilege card from a license certificate by:]~~
- 2486 ~~[(i) use of a format, color, font, or other means; and]~~
- 2487 ~~[(ii) clearly displaying on the front of the driving privilege card a phrase substantially~~
- 2488 ~~similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR~~
- 2489 ~~IDENTIFICATION".]~~
- 2490 ~~[(10)]~~ (9) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary
- 2491 permit, temporary regular license certificate, temporary limited-term license certificate,
- 2492 or any other temporary permit.
- 2493 ~~[(11)]~~ (10) The division shall issue temporary license certificates of the same nature, except
- 2494 as to duration, as the license certificates that they temporarily replace, as are necessary
- 2495 to implement applicable provisions of this section and Section 53-3-223.
- 2496 ~~[(12)(a) A governmental entity may not accept a driving privilege card as proof of~~
- 2497 ~~personal identification.]~~
- 2498 ~~[(b) A driving privilege card may not be used as a document providing proof of an~~
- 2499 ~~individual's age for any government required purpose.]~~
- 2500 ~~[(13)]~~ (11) An individual who violates Subsection (2)(b) is guilty of an infraction.
- 2501 ~~[(14)]~~ (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,
- 2502 fees, restrictions, and sanctions under this code apply to a[:]
- 2503 ~~[(a) driving privilege in the same way as a license or limited-term license issued under~~
- 2504 ~~this chapter; and]~~
- 2505 ~~[(b)]~~ limited-term license certificate ~~[or driving privilege card]~~ in the same way as a
- 2506 regular license certificate issued under this chapter.
- 2507 Section 15. Section **53-3-214** is amended to read:
- 2508 **53-3-214 (Effective 07/01/27). Renewal -- Fees required -- Extension without**
- 2509 **examination.**
- 2510 (1)(a) The holder of a valid license may renew the holder's license and any endorsement

to the license by applying:

(i) at any time within six months before the license expires; or

(ii) more than six months prior to the expiration date if the applicant furnishes proof that the applicant will be absent from the state during the six-month period prior to the expiration of the license.

(b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section 53-3-105.

(2)(a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular license certificate, provisional license, and any endorsement to a regular license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.

(b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license certificate, limited-term provisional license certificate, and any endorsement to a limited-term license certificate, the division shall:

(i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the limited-term license certificate, if applicable; and

(ii) verify through valid 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.

(c) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

(3)(a)(i) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a regular license certificate or any endorsement to the regular license certificate for eight years without examination for licensees whose driving records for the eight 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 six reportable violations in the preceding eight years.

(ii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a provisional license and any endorsement to a provisional license for eight years without examination for licensees whose driving records for the five years

2545 immediately preceding the determination of eligibility for extension show:

2546 (A) no suspensions;

2547 (B) no revocations;

2548 (C) no conviction for reckless driving under Section 41-6a-528; and

2549 (D) no more than four reportable violations in the preceding five years.

2550 (iii) Except as provided under Subsections (3)(b) and (c), the division may renew or
2551 extend a limited term license and any endorsement to a limited term license for
2552 five years without examination for licensees whose driving records for the five
2553 years immediately preceding the determination of eligibility for extension show:

2554 (A) no suspensions;

2555 (B) no revocations;

2556 (C) no conviction for reckless driving under Section 41-6a-528; and

2557 (D) no more than four reportable violations in the preceding five years.

2558 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license
2559 certificate, a new regular license certificate and any endorsement to a regular license
2560 certificate may not be issued until the person has again passed the tests under Section
2561 53-3-206 and paid the required fee.

2562 (c) After the expiration of a limited-term license certificate, a new limited-term license
2563 certificate and any endorsement to a limited-term license certificate may not be
2564 issued until the person has:

2565 (i) again passed the tests under Section 53-3-206 and paid the required fee; and

2566 (ii) presented documentary evidence that the status by which the individual originally
2567 qualified for the limited-term license certificate has been extended by the United
2568 States Citizenship and Immigration Services or other authorized agency of the
2569 United States Department of Homeland Security.

2570 (d) A person 65 years [~~of age~~] old or older shall take and pass the eye examination
2571 specified in Section 53-3-206.

2572 (e) An extension may not be granted to any person:

2573 (i) who is identified by the division as having a medical impairment that may
2574 represent a hazard to public safety;

2575 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial
2576 Driver License Act; or

2577 (iii) who is holding a limited-term license certificate[~~;~~ or] .

2578 [~~(iv) who is holding a driving privilege card issued in accordance with Section~~]

53-3-207.]

(f) The division shall allow extensions:

(i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105;

(ii) only if the applicant qualifies under this section; and

(iii) for only one extension.

(g) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

(4) In accordance with this section, the division shall coordinate with the Department of Corrections in providing an inmate with access to a driver license certificate as described in Section 64-13-10.6.

Section 16. Section **53-3-221** is amended to read:

53-3-221 (Effective 07/01/27). Offenses that may result in denial, suspension, disqualification, or revocation of license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.

(1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, disqualify, or revoke the license or permit of any individual without receiving a record of the individual's conviction of crime when the division has been notified or has reason to believe the individual:

(a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;

(b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other individual, or serious property damage;

(c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability rendering it unsafe for the individual to drive a motor vehicle or mobility vehicle upon the highways;

(d) has committed a serious violation of the motor vehicle laws of this state;

(e) has knowingly committed a violation of Section 53-3-229; or

(f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other individuals on the highways.

(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

- 2715 other than a purpose described in Subsection (6)(d)(ii)(A); and
2716 (C) shall expire 90 days after the day on which the temporary limited driver
2717 license is issued.
- 2718 (iii)(A) During the period beginning on the day on which a temporary limited
2719 driver license is issued under this Subsection (6), and ending on the day that
2720 the temporary limited driver license expires, the suspension described in this
2721 Subsection (6) only applies if the individual who is suspended operates a motor
2722 vehicle for a purpose other than employment, education, or child visitation.
- 2723 (B) Upon expiration of a temporary limited driver license described in this
2724 Subsection (6)(d):
- 2725 (I) a suspension described in Subsection (6)(a) shall be in full effect until the
2726 division receives notice, under Subsection (6)(b), that the order of
2727 suspension is rescinded; and
- 2728 (II) an individual suspended under Subsection (6)(a) may not drive a motor
2729 vehicle for any reason.
- 2730 (iv) The division is not required to issue a limited driver license to an individual
2731 under this Subsection (6)(d) if there are other legal grounds for the suspension of
2732 the individual's driver license.
- 2733 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2734 Administrative Rulemaking Act, to implement the provisions of this part.
- 2735 (7)(a) The division may suspend or revoke the license of any resident of this state upon
2736 receiving notice of the conviction of that individual in another state of an offense
2737 committed there that, if committed in this state, would be grounds for the suspension
2738 or revocation of a license.
- 2739 (b) The division may, upon receiving a record of the conviction in this state of a
2740 nonresident driver of a motor vehicle or motorboat of any offense under the motor
2741 vehicle laws of this state, forward a certified copy of the record to the motor vehicle
2742 administrator in the state where the individual convicted is a resident.
- 2743 (8)(a) The division may suspend or revoke the license of any nonresident to drive a
2744 motor vehicle in this state for any cause for which the license of a resident driver may
2745 be suspended or revoked.
- 2746 (b) Any nonresident who drives a motor vehicle upon a highway when the individual's
2747 license has been suspended or revoked by the division is guilty of a class C
2748 misdemeanor.

- (9)(a) The division may not deny or suspend the license of any individual for a period of more than one year except:
- (i) for failure to comply with the terms of a traffic citation under Subsection (2);
 - (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;
 - (iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);
 - (iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;
 - (v) when the division suspends the license under Subsection (6); or
 - (vi) when the division denies the license under Subsection (14).
- (b) The division may suspend the license of an individual under Subsection (2) until the individual shows satisfactory evidence of compliance with the terms of the traffic citation.
- (10)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any individual without receiving a record of the individual's conviction for a crime when the division has reason to believe that the individual's license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.
- (b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license.
- (11)(a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require the licensee to submit to an examination.
- (b) Upon the conclusion of the examination the division may suspend or revoke the individual's license, permit the individual to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.
- (c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.
- (12)(a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less,

above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.

(b) The provisions of Subsection (12)(a) do not apply for:

(i) a CDIP or CDL license holder; or

(ii) a violation that occurred in a commercial motor vehicle.

(13)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of an individual if it has reason to believe that the individual is the owner of a motor vehicle for which security is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.

~~[(b) The division may suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that:]~~

~~[(i) the driving privilege card holder is the registered owner of a vehicle; and]~~

~~[(ii) the driving privilege card holder's vehicle registration has been revoked under Subsection 41-1a-110(2)(a)(ii)(A).]~~

~~[(c)]~~ (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies to individuals whose driving privileges are suspended under this Subsection (13).

(14) The division may deny an individual's license if the individual fails to comply with the requirement to downgrade the individual's CDL to a class D license under Section 53-3-409 or 53-3-410.1.

(15) The division may deny an individual's class A, B, C, or D license if the individual fails to comply with the requirement to have a K restriction removed from the individual's license.

(16) Any suspension or revocation of an individual's license under this section also disqualifies any license issued to that individual under Part 4, Uniform Commercial Driver License Act.

Section 17. Section **53-3-236** is amended to read:

53-3-236 (Effective 07/01/27). Interdicted person identifier -- License notation.

(1) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:

(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

to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification.

(b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.

(14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm shall:

(a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to a customer free of charge; and

(b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun, short barreled rifle, rifle, or another firearm that federal law does not require be accompanied by a gun lock at the time of purchase.

Section 19. Section **53-10-202** is amended to read:

53-10-202 (Effective 07/01/27). Criminal identification -- Duties of bureau.

The bureau shall:

(1) procure and file information relating to identification and activities of persons who:

(a) are fugitives from justice;

(b) are wanted or missing;

(c) have been arrested for or convicted of a crime under the laws of any state or nation; and

(d) are believed to be involved in racketeering, organized crime, or a dangerous offense;

(2) establish a statewide uniform crime reporting system that shall include:

(a) statistics concerning general categories of criminal activities;

(b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate;

(c) statistics concerning the use of force by law enforcement officers in accordance with the Federal Bureau of Investigation's standards; and

(d) other statistics required by the Federal Bureau of Investigation;

(3) make a complete and systematic record and index of the information obtained under this part;

(4) subject to the restrictions in this part, establish policy concerning the use and 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)(c).]~~

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)[(i) hold a driving privilege card issued in accordance with Section 53-3-207; or]

3090 [(ii)] 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

national origin.

Section 23. Section **76-9-1117** is amended to read:

76-9-1117 (Effective 07/01/27). Unlawful transfer of proof of age.

(1)(a) As used in this section[.],

[(i)] "Proof" "proof of age" means:

[(A)] (i) a valid identification card issued under Title 53, Chapter 3, Part 8,

Identification Card Act;

[(B)] (ii) a valid identification that:

[(H)] (A) is substantially similar to an identification card issued under Title 53,

Chapter 3, Part 8, Identification Card Act;

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

[(H)] (C) includes date of birth; and

[(H)] (D) has a picture affixed;

[(E)] (iii) a valid driver license certificate that is issued under Title 53, Chapter 3,

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

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

[(H)] (A) includes date of birth; and

[(H)] (B) has a picture affixed; or

[(E)] (v) a valid passport.

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

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) Except as provided in Subsection (4), an actor commits unlawful transfer of proof of
age if the actor intentionally or knowingly transfers the actor's proof of age to another
individual to aid that individual in:

(a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product;
or

(b) gaining admittance to any part of the premises of a retail tobacco specialty business.

(3) A violation of Subsection (2) is a class B misdemeanor.

(4) Subsection (2) does not apply to an individual who uses a false identification in
accordance with Subsection 77-39-101(4) at the request of a peace officer.

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**).