

**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 July 6, 2026;
- makes technical changes throughout the Utah Code related to the repeal of the driving privilege card program;
- provides that a motor vehicle insurance provider may offer insurance coverage to an individual who does not have a driver license;
- repeals provisions allowing the driver license examination for knowledge of the state-specific laws to be offered in languages other than English;
- 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  
**31A-22-302.5 (Effective 07/01/27)**, as last amended by Laws of Utah 2011, Chapter 425

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

55 ENACTS:

56       **41-6a-410 (Effective 07/01/27)**, Utah Code Annotated 1953

57 REPEALS:

58       **53-3-205.5 (Effective 07/01/27)**, as last amended by Laws of Utah 2023, Chapter 454

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

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

62       **13-32a-102 (Effective 07/01/27). Definitions.**

63        As used in this chapter:

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

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

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

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

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

75                (a) is installed inside a commercial site used for the selling of goods and services to  
76                        consumers;

77                (b) is monitored remotely by a live representative during the hours of operation;

78                (c) only engages in secondhand merchandise transactions involving wireless  
79                        communication devices; and

80                (d) has the following technological functions:

81                        (i) verifies the seller's identity by a live representative using the individual's  
82                                identification;

83                        (ii) generates a ticket; and

84                        (iii) electronically transmits the secondhand merchandise transaction information to  
85                                the central database.

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

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

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

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

92                        (i) from a business regularly engaged in automobile repair, crushing, dismantling,  
93                                recycling, or salvage;

94                        (ii) from a new or used vehicle dealer licensed under Title 41, Chapter 3, Motor  
95                                Vehicle Business Regulation Act;

96                        (iii) from another catalytic converter purchaser; or

97 (iv) that has never been affixed to a vehicle.

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

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

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

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

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

108 (a) stamped metal, and issued by a government as monetary currency; or

109 (b)(i) worth more than its current value as currency; and

110 (ii) worth more than its metal content value.

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

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

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

118 (i) .99 fine or finer ingots of gold, silver, platinum, palladium, or other precious  
119 metals; or

120 (ii) .925 fine sterling silver ingots, art bars, and medallions.

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

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

123 (a) that deals primarily in the offering for sale property owned by a third party; and

124 (b) where the owner of the property only receives consideration upon the sale of the  
125 property by the business.

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

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

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

131 (a) is usable at:

132 (i) a single merchant; or

133 (ii) a specified group of merchants;

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

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

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

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

141 (b) a state-issued driver license;

142 (c) a state-issued identification card;

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

144 (e) a United States military identification;

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

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

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

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

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

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

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

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

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

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

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

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

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

163 (26) "Pawn or secondhand business" means a business operated by a pawnbroker or  
164 secondhand merchandise dealer, or the owner or operator of the business.

165 (27) "Pawn transaction" means:

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

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

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

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

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

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

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

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

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

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

- 192 (i) engages in a secondhand merchandise transaction; and
- 193 (ii) does not engage in a pawn transaction.
- 194 (b) "Secondhand merchandise dealer" includes a coin dealer and an automated recycling  
195 kiosk operator.
- 196 (c) "Secondhand merchandise dealer" does not include:
  - 197 (i) an antique shop when dealing in antique items;
  - 198 (ii) a person who operates an auction house, flea market, or vehicle, vessel, and

199 outboard motor dealers as defined in Section 41-1a-102;

200 (iii) the sale of secondhand goods at events commonly known as "garage sales,"  
201 "yard sales," "estate sales," "storage unit sales," or "storage unit auctions";

202 (iv) the sale or receipt of secondhand books, magazines, post cards, or nonelectronic:

203 (A) card games;

204 (B) table-top games; or

205 (C) magic tricks;

206 (v) the sale or receipt of used merchandise donated to recognized nonprofit, religious,  
207 or charitable organizations or any school-sponsored association, and for which no  
208 compensation is paid;

209 (vi) the sale or receipt of secondhand clothing, shoes, furniture, or appliances;

210 (vii) a person offering the person's own personal property for sale, purchase,  
211 consignment, or trade via the [Internet] internet;

212 (viii) a person offering the personal property of others for sale, purchase,  
213 consignment, or trade via the [Internet] internet, when that person does not have,  
214 and is not required to have, a local business or occupational license or other  
215 authorization for this activity;

216 (ix) an owner or operator of a retail business that:

217 (A) receives used merchandise as a trade-in for similar new merchandise[–]; or

218 (B) receives used retail media items as a trade-in for similar new or used retail  
219 media items;

220 (x) an owner or operator of a business that contracts with other persons to offer those  
221 persons' secondhand goods for sale, purchase, consignment, or trade via the [  
222 Internet] internet;

223 (xi) any dealer as defined in Section 76-6-1402, that concerns scrap metal and  
224 secondary metals;

225 (xii) the purchase of items in bulk that are:

226 (A) sold at wholesale in bulk packaging;

227 (B) sold by a person licensed to conduct business in Utah; and

228 (C) regularly sold in bulk quantities as a recognized form of sale;

229 (xiii) the owner or operator of a children's product resale business;

230 (xiv) a consignment shop when dealing in consigned property; or

231 (xv) a catalytic converter purchaser.

232 (35) "Secondhand merchandise transaction" means the purchase or exchange of used or

233 secondhand property.

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

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

239 (a) goods;

240 (b) services;

241 (c) money; or

242 (d) anything else of value.

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

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

247 **26B-7-501 (Effective 07/01/27). Definitions.**

248 As used in this part:

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

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

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

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

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

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

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

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

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

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

263 (9) "Manufacture" includes:

264 (a) to cast, construct, or make electronic cigarettes; or

265 (b) to blend, make, process, or prepare an electronic cigarette substance.

266 [(10) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette

267 substance that is sold in a container that:]

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

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

270 [(11) (10) "Manufacturer sealed electronic cigarette product" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

293 (c) restaurants, cafes, or cafeterias;

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

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

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

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

299 (h) sports or fitness facilities;

300 (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:

[f(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;

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

[ $\oplus$ ] (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

335 valid driver license is issued;

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

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

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

339 ~~[(v)] (e)~~ a valid passport.

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

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

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

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

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

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

350 (a) contains tobacco or nicotine; and

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

352 (22) "Smoking" means:

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

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

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

357 (ii) shisha or non-tobacco shisha;

358 (iii) nicotine;

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

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

361 (c) using an electronic cigarette; or

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

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

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

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

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

368 (24) "Tobacco product" means:

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

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

372 Section 3. Section **31A-22-302.5** is amended to read:

373 **31A-22-302.5 (Effective 07/01/27). Named driver exclusions.**

374 (1) A policy of personal lines insurance or combination of personal lines policies purchased  
375 to satisfy the owner's or operator's security requirement under Section 41-12a-301 may  
376 specifically exclude from coverage:

377 (a) a person who is a resident of the named insured's household, including a person who  
378 usually makes the person's home in the same household but temporarily lives  
379 elsewhere; or  
380 (b) a person who usually or customarily operates the motor vehicle.

381 (2) The named driver exclusion under Subsection (1) is effective only if:

382 (a) at the time of the proposed exclusion, each person excluded from coverage satisfies  
383 the owner's or operator's security requirement under Section 41-12a-301,  
384 independently of the named insured's proof of owner's or operator's security;  
385 (b) any named insured and the person excluded from coverage each provide written  
386 consent to the exclusion; and  
387 (c) the insurer includes the name of each person excluded from coverage in the evidence  
388 of insurance provided to an additional insured or loss payee.

389 (3) The provisions of Subsection (2)(a) do not apply to the named driver exclusion of the  
390 person excluded from coverage if the person's driver license has been denied, suspended,  
391 or revoked.

392 (4) The named driver exclusion shall remain effective until removed by the insurer.

393 (5) If the driver license of a person excluded from coverage under Subsection (1) has been  
394 denied, suspended, revoked, or disqualified and the person excluded from coverage  
395 subsequently operates a motor vehicle, the exclusion shall:

396 (a) exclude all liability coverage and all physical damage coverage without regard to the  
397 comparative fault of the excluded driver;  
398 (b) proportionately reduce any benefits otherwise payable to the person excluded from  
399 coverage and to any named insured for benefits payable under uninsured motorist  
400 coverage, underinsured motorist coverage, personal injury protection coverage, and  
401 first party medical coverage to the extent the person excluded from coverage was  
402 comparatively at fault; and

403 (c) if the person excluded from coverage is 50% or more at fault in causing the accident,  
404 bar both the excluded driver and any named insured from recovering any benefits  
405 under any coverage listed under Subsection (5)(b).

406 (6) The named driver exclusion under Subsection (1) does not apply when the person  
407 excluded from coverage is:  
408 (a) a non-driving passenger in a motor vehicle; or  
409 (b) a pedestrian.

410 (7) Nothing in this part precludes an insurer from offering motor vehicle insurance  
411 coverage to an individual who does not possess a valid driver license.

412 Section 4. Section **32B-1-102** is amended to read:

413 **32B-1-102 (Effective 07/01/27). Definitions.**

414 As used in this title:

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

416 (a) at which an alcoholic product is sold at retail for consumption on the premises; and  
417 (b) that is located at an international airport or domestic airport.

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

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

421 (a) beer; or  
422 (b) liquor.

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

424 (i) contains at least .5% of alcohol by volume; and  
425 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
426 process that uses liquid or combinations of liquids, whether drinkable or not, to  
427 create alcohol in an amount equal to or greater than .5% of alcohol by volume.

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

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

431 (i) except as provided in Subsection (4)(d), an extract;  
432 (ii) vinegar;  
433 (iii) preserved nonintoxicating cider;  
434 (iv) essence;  
435 (v) tincture;  
436 (vi) food preparation; or

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

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

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

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

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

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

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

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

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

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

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

451 (a) that is managed by:

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

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

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

457 (b) that operates as a venue; and

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

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

461 (9) "Banquet" means an event:

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

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

465 (i) a hotel;

466 (ii) a resort facility;

467 (iii) a sports center;

468 (iv) a convention center;

469 (v) a performing arts facility;

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

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

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

(b) "Bar establishment license" includes:

- (i) a dining club license;
- (ii) an equity license;
- (iii) a fraternal license; or
- (iv) a bar license.

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

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

- (i) contains:
  - (A) at least .5% of alcohol by volume; and
  - (B) no more than 5% of alcohol by volume or 4% by weight;
- (ii) is obtained by fermentation, infusion, or decoction of:
  - (A) malt; or
  - (B) a malt substitute; and
- (iii) is clearly marketed, labeled, and identified as:
  - (A) beer;
  - (B) ale;
  - (C) porter;
  - (D) stout;
  - (E) lager;
  - (F) a malt;
  - (G) a malted beverage; or
  - (H) seltzer.

505 (b) "Beer" may contain:

506 (i) hops extract;

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

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

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

510 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade

511 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and

512 (C) does not contribute more than 10% of the overall alcohol content of the beer.

513 (c) "Beer" does not include:

514 (i) a flavored malt beverage;

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

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

517 (B) wine; or

518 (iii) a product that contains an additive masking or altering a physiological effect of

519 alcohol, including kratom, kava, cannabidiol, or natural or synthetic

520 tetrahydrocannabinol.

521 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,

522 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

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

524 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for

525 consumption on or off the business premises; and

526 (b) is licensed as:

527 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise

528 Beer Retailer Local Authority; or

529 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and

530 Chapter 6, Part 7, On-Premise Beer Retailer License.

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

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

533 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail

534 licensees or off-premise beer retailers.

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

536 (a) a light device;

537 (b) a painting;

538 (c) a drawing;

539 (d) a poster;  
540 (e) a sign;  
541 (f) a signboard; or  
542 (g) a scoreboard.

543 (17) "Brewer" means a person engaged in manufacturing:  
544 (a) beer;  
545 (b) heavy beer; or  
546 (c) a flavored malt beverage.

547 (18) "Brewery manufacturing license" means a license issued in accordance with Chapter  
548 11, Part 5, Brewery Manufacturing License.

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

551 (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a  
552 bus company to a group of persons pursuant to a common purpose:  
553 (a) under a single contract;  
554 (b) at a fixed charge in accordance with the bus company's tariff; and  
555 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other  
556 motor vehicle, and a driver to travel together to one or more specified destinations.

557 (21) "Church" means a building:  
558 (a) set apart for worship;  
559 (b) in which religious services are held;  
560 (c) with which clergy is associated; and  
561 (d) that is tax exempt under the laws of this state.

562 (22) "Commission" means the Alcoholic Beverage Services Commission created in Section  
563 32B-2-201.

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

565 (24) "Community location" means:  
566 (a) a public or private school as defined in Subsection (116);  
567 (b) a church;  
568 (c) a public library;  
569 (d) a public playground; or  
570 (e) a public park.

571 (25) "Community location governing authority" means:  
572 (a) the governing body of the community location; or

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

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

577 (a) a bottle;  
578 (b) a vessel; or  
579 (c) a similar item.

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

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

583 (a) in total at least 30,000 square feet; and  
584 (b) otherwise defined as a "convention center" by the commission by rule.

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

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

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

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

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

592 (a) an auditor or inspector; and  
593 (b) employed by the department.

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

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

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

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

601 (a) against a person subject to administrative action; and  
602 (b) that is brought on the basis of a violation of this title.

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

604 (i) drawing an alcoholic product; and  
605 (ii) using the alcoholic product at the location from which it was drawn to mix or  
606 prepare an alcoholic product to be furnished to a patron of the retail licensee.

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

608 (i) a full-service restaurant license;

609 (ii) a limited-service restaurant license;

610 (iii) a reception center license;

611 (iv) a beer-only restaurant license;

612 (v) a bar license;

613 (vi) an on-premise beer retailer;

614 (vii) an airport lounge license;

615 (viii) an on-premise banquet license; and

616 (ix) a hospitality amenity license.

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

618 (a) where an alcoholic product is dispensed; or

619 (b) from which an alcoholic product is served.

620 (39) "Distillery manufacturing license" means a license issued in accordance with Chapter  
621 11, Part 4, Distillery Manufacturing License.

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

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

625 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;

626 (b) receives scheduled commercial passenger aircraft service; and

627 (c) is not an international airport.

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

631 (43) "Event permit" means:

632 (a) a single event permit; or

633 (b) a temporary beer event permit.

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

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

638 (i) that contains at least .5% alcohol by volume;

639 (ii) for which the producer is required to file a formula for approval with the federal  
640 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because

the beverage is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt liquor; and

(iii) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage includes an ingredient containing alcohol.

(b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol content of the beverage.

(c) "Flavored malt beverage" does not include beer or heavy beer.

(d) "Flavored malt beverage" is considered liquor for purposes of this title.

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

(47) "Full-service restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

(48)(a) "Furnish" means by any means to provide with, supply, or give an individual an alcoholic product, by sale or otherwise.

(b) "Furnish" includes to:

(i) serve;

(ii) deliver; or

(iii) otherwise make available.

(49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).

(50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

(51) "Health care practitioner" means:

(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

(c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;

(e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy Practice Act;

675 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
676 Therapy Practice Act;  
677 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;  
678 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health  
679 Professional Practice Act;  
680 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;  
681 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice  
682 Act;  
683 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental  
684 Hygienist Practice Act; and  
685 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant  
686 Act.

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

688 (i)(A) contains more than 5% alcohol by volume;  
689 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by  
690 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or  
691 ethanol-based flavoring agent that contributes more than 10% of the overall  
692 alcohol content of the product; or  
693 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by  
694 volume or 4% by weight, and has a label or packaging that is rejected under  
695 Subsection 32B-1-606(3)(b); and  
696 (ii) is obtained by fermentation, infusion, or decoction of:  
697 (A) malt; or  
698 (B) a malt substitute.  
699 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,  
700 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that  
701 contributes to the overall alcohol content of the heavy beer.  
702 (c) "Heavy beer" does not include:  
703 (i) a flavored malt beverage;  
704 (ii) a product that contains alcohol derived from:  
705 (A) except as provided in Subsections (52)(a)(i)(B) and (52)(b), spirituous liquor;  
706 or  
707 (B) wine; or  
708 (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;

777 (a) in which the driver and a passenger are separated by a partition, glass, or other  
778 barrier;  
779 (b) that is provided by a business entity to one or more individuals at a fixed charge in  
780 accordance with the business entity's tariff; and  
781 (c) to give the one or more individuals the exclusive use of the limousine and a driver to  
782 travel to one or more specified destinations.

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

784 (A) is:  
785 (I) alcohol;  
786 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;  
787 (III) a combination of liquids a part of which is spirituous, vinous, or  
788 fermented; or  
789 (IV) other drink or drinkable liquid; and  
790 (B)(I) contains at least .5% alcohol by volume; and  
791 (II) is suitable to use for beverage purposes.

792 (ii) "Liquor" includes:

793 (A) heavy beer;  
794 (B) wine; and  
795 (C) a flavored malt beverage.

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

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

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

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

801 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and  
802 (b) to a person, other than a licensed manufacturer, who engages in the importation for  
803 storage, sale, or distribution of liquor regardless of amount.

804 (71) "Local authority" means:

805 (a) for premises that are located in an unincorporated area of a county, the governing  
806 body of a county;  
807 (b) for premises that are located in an incorporated city or town, the governing body of  
808 the city or town; or  
809 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in  
810 a project area plan adopted by the Military Installation Development Authority under

811       Title 63H, Chapter 1, Military Installation Development Authority Act, the Military  
812       Installation Development Authority.

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

814       (73) "Malt substitute" means:

- 815        (a) rice;
- 816        (b) grain;
- 817        (c) bran;
- 818        (d) glucose;
- 819        (e) sugar; or
- 820        (f) molasses.

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

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

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

- 827        (i)(A) under the control of the United States Department of Defense; or
- 828        (B) of the National Guard;
- 829        (ii) that is located within the state; and
- 830        (iii) including a leased facility.

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

- 832        (i) civil works;
- 833        (ii) a rivers and harbors project; or
- 834        (iii) a flood control project.

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

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

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

- 839        (a)(i) is a state agency other than the department; or
- 840        (ii) is an agency of a county, city, or town; and
- 841        (b) has a responsibility to enforce one or more provisions of this title.

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

- 843        (a) a peace officer, examiner, or investigator; and
- 844        (b) employed by a nondepartment enforcement agency.

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

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

847 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's

848 premises.

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

850 (82) "Off-premise beer retailer state license" means a state license issued in accordance

851 with Chapter 7, Part 4, Off-premise Beer Retailer State License.

852 (83) "On-premise banquet license" means a license issued in accordance with Chapter 5,

853 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

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

855 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance

856 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer

857 License; and

858 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's

859 premises:

860 (i) regardless of whether the beer retailer sells beer for consumption off the licensed

861 premises; and

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

863 (A) as a tavern; or

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

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

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

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

868 (b) by a person:

869 (i) other than the state; and

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

871 Package Agency, to sell packaged liquor for consumption off the premises of the

872 package agency.

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

874 (88) "Patron" means an individual to whom food, beverages, or services are sold, offered

875 for sale, or furnished, or who consumes an alcoholic product including:

876 (a) a customer;

877 (b) a member;

878 (c) a guest;

879 (d) an attendee of a banquet or event;  
880 (e) an individual who receives room service;  
881 (f) a resident of a resort; or  
882 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity  
883 license.

884 (89)(a) "Performing arts facility" means a multi-use performance space that:  
885 (i) is primarily used to present various types of performing arts, including dance,  
886 music, and theater;  
887 (ii) contains over 2,500 seats;  
888 (iii) is owned and operated by a governmental entity; and  
889 (iv) is located in a city of the first class.

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

892 (90) "Permittee" means a person issued a permit under:  
893 (a) Chapter 9, Event Permit Act; or  
894 (b) Chapter 10, Special Use Permit Act.

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

896 (a) a licensee;  
897 (b) a permittee;  
898 (c) a manufacturer;  
899 (d) a supplier;  
900 (e) an importer;  
901 (f) one of the following holding a certificate of approval:  
902 (i) an out-of-state brewer;  
903 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or  
904 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or  
905 (g) staff of:  
906 (i) a person listed in Subsections (91)(a) through (f); or  
907 (ii) a package agent.

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

911 (93) "Prescription" means an order issued by a health care practitioner when:  
912 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,

913 to prescribe a controlled substance, other drug, or device for medicinal purposes;

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

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

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

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

919 (95) "Principal license" means:

920 (a) a resort license;  
921 (b) a hotel license; or  
922 (c) an arena license.

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

924 (i) for which an entire room, area, or hall is leased or rented in advance by an  
925 identified group; and  
926 (ii) that is limited in attendance to people who are specifically designated and their  
927 guests.

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

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

931 (a) that is held in or on the premises of an on-premise banquet licensee; and  
932 (b) to which entry is restricted by an admission fee.

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

934 [(i)] (a) an identification card;

935 [(ii)] (b) an identification that:

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

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

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

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

941 [(iii)] (c) a valid driver license certificate that:

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

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

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

947 [~~(iv)~~] (d) a military identification card that:

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

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

950 [~~(v)~~] (e) a valid passport.

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

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

- 954 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service  
955 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 956 (b) for a limited-service restaurant sublicense, the provisions applicable to a  
957 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant  
958 License;
- 959 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment  
960 license under Chapter 6, Part 4, Bar Establishment License;
- 961 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise  
962 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 963 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise  
964 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 965 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only  
966 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 967 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity  
968 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 969 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,  
970 Part 2, Resort Spa Sublicense.

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

972 (i) owned or leased by:

973 (A) the state; or

974 (B) a local government entity; and

975 (ii) used for:

976 (A) public education;

977 (B) transacting public business; or

978 (C) regularly conducting government activities.

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

981 proprietary function.

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

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

986 (a) operates facilities that are at least 5,000 square feet; and  
987 (b) has as its primary purpose the leasing of the facilities described in Subsection  
988 (102)(a) to a third party for the third party's event.

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

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

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

994 (b) "Record" includes:

995 (i) a book;  
996 (ii) a book of account;  
997 (iii) a paper;  
998 (iv) a contract;  
999 (v) an agreement;  
1000 (vi) a document; or  
1001 (vii) a recording in any medium.

1002 (105) "Residence" means a person's principal place of abode within Utah.

1003 (106) "Resident," in relation to a resort, means the same as that term is defined in Section  
1004 32B-8-102.

1005 (107) "Resort" means the same as that term is defined in Section 32B-8-102.

1006 (108) "Resort facility" is as defined by the commission by rule.

1007 (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License  
1008 Act, and Chapter 8, Resort License Act.

1009 (110) "Responsible alcohol service plan" means a written set of policies and procedures that  
1010 outlines measures to prevent employees from:

1011 (a) over-serving alcoholic beverages to customers;  
1012 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously  
1013 intoxicated; and  
1014 (c) serving alcoholic beverages to minors.

1015 (111) "Restaurant" means a business location:

- 1016 (a) at which a variety of foods are prepared;
- 1017 (b) at which complete meals are served; and
- 1018 (c) that is engaged primarily in serving meals.

1019 (112) "Restaurant license" means one of the following licenses issued under this title:

- 1020 (a) a full-service restaurant license;
- 1021 (b) a limited-service restaurant license; or
- 1022 (c) a beer-only restaurant license.

1023 (113) "Restaurant venue" means a room within a restaurant that:

- 1024 (a) is located on the licensed premises of a restaurant licensee;
- 1025 (b) is separated from the area within the restaurant for a patron's consumption of food by  
1026 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not  
1027 visible to a patron in the area within the restaurant for a patron's consumption of  
1028 food; and
- 1029 (c)(i) has at least 1,000 square feet that:
  - 1030 (A) may be reserved for a banquet; and
  - 1031 (B) accommodates at least 75 individuals; or
- 1032 (ii) if the restaurant is located in a small or unincorporated locality, has an  
1033 appropriate amount of space, as determined by the commission, that may be  
1034 reserved for a banquet.

1035 (114) "Retail license" means one of the following licenses issued under this title:

- 1036 (a) a full-service restaurant license;
- 1037 (b) a master full-service restaurant license;
- 1038 (c) a limited-service restaurant license;
- 1039 (d) a master limited-service restaurant license;
- 1040 (e) a bar establishment license;
- 1041 (f) an airport lounge license;
- 1042 (g) an on-premise banquet license;
- 1043 (h) an on-premise beer license;
- 1044 (i) a reception center license;
- 1045 (j) a beer-only restaurant license;
- 1046 (k) a hospitality amenity license;
- 1047 (l) a resort license;
- 1048 (m) a hotel license; or

1049 (n) an arena license.

1050 (115) "Room service" means furnishing an alcoholic product to a person in a guest room or  
1051 privately owned dwelling unit of a:  
1052 (a) hotel; or  
1053 (b) resort facility.

1054 (116)(a) "School" means a building in which any part is used for more than three hours  
1055 each weekday during a school year as a public or private:  
1056 (i) elementary school;  
1057 (ii) secondary school; or  
1058 (iii) kindergarten.

1059 (b) "School" does not include:  
1060 (i) a nursery school;  
1061 (ii) a day care center;  
1062 (iii) a trade and technical school;  
1063 (iv) a preschool;  
1064 (v) a home school;  
1065 (vi) a home-based microschool as defined in Section 53G-6-201; or  
1066 (vii) a micro-education entity as defined in Section 53G-6-201.

1067 (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for  
1068 additional flavoring that is different in type, flavor, or brand from the primary spirituous  
1069 liquor in the beverage.

1070 (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for  
1071 consideration, an alcoholic product is either directly or indirectly transferred, solicited,  
1072 ordered, delivered for value, or by a means or under a pretext is promised or obtained,  
1073 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined  
1074 in this title or the rules made by the commission.

1075 (119) "Serve" means to place an alcoholic product before an individual.

1076 (120) "Sexually oriented entertainer" means a person who while in a state of seminudity  
1077 appears at or performs:  
1078 (a) for the entertainment of one or more patrons;  
1079 (b) on the premises of:  
1080 (i) a bar licensee; or  
1081 (ii) a tavern;  
1082 (c) on behalf of or at the request of the licensee described in Subsection (120)(b);

1083 (d) on a contractual or voluntary basis; and

1084 (e) whether or not the person is designated as:

1085 (i) an employee;

1086 (ii) an independent contractor;

1087 (iii) an agent of the licensee; or

1088 (iv) a different type of classification.

1089 (121) "Shared seating area" means the licensed premises of two or more restaurant  
1090 licensees that the restaurant licensees share as an area for alcoholic beverage  
1091 consumption in accordance with Subsection 32B-5-207(3).

1092 (122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,  
1093 Single Event Permit.

1094 (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer,  
1095 heavy beer, and flavored malt beverage per year, as the department calculates by:

1096 (a) if the brewer is part of a controlled group of manufacturers, including the combined  
1097 volume totals of production for all breweries that constitute the controlled group of  
1098 manufacturers; and

1099 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:

1100 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission  
1101 determines by rule made in accordance with Title 63G, Chapter 3, Utah  
1102 Administrative Rulemaking Act; and

1103 (ii) does not sell for consumption as, or in, a beverage.

1104 (124) "Small or unincorporated locality" means:

1105 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;

1106 (b) a town, as classified under Section 10-2-301; or

1107 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified  
1108 under Section 17-60-104.

1109 (125) "Spa sublicense" means a sublicense:

1110 (a) to a resort license or hotel license; and

1111 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa  
1112 Sublicense.

1113 (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special  
1114 Use Permit Act.

1115 (127)(a) "Spirituous liquor" means liquor that is distilled.

1116 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27

1117                   U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.

1118                   (128) "Sports center" is as defined by the commission by rule.

1119                   (129)(a) "Staff" means an individual who engages in activity governed by this title:

1120                   (i) on behalf of a business, including a package agent, licensee, permittee, or  
1121                   certificate holder;

1122                   (ii) at the request of the business, including a package agent, licensee, permittee, or  
1123                   certificate holder; or

1124                   (iii) under the authority of the business, including a package agent, licensee, permittee,  
1125                   or certificate holder.

1126                   (b) "Staff" includes:

1127                   (i) an officer;

1128                   (ii) a director;

1129                   (iii) an employee;

1130                   (iv) personnel management;

1131                   (v) an agent of the licensee, including a managing agent;

1132                   (vi) an operator; or

1133                   (vii) a representative.

1134                   (130) "State of nudity" means:

1135                   (a) the appearance of:

1136                   (i) the nipple or areola of a female human breast;

1137                   (ii) a human genital;

1138                   (iii) a human pubic area; or

1139                   (iv) a human anus; or

1140                   (b) a state of dress that fails to opaquely cover:

1141                   (i) the nipple or areola of a female human breast;

1142                   (ii) a human genital;

1143                   (iii) a human pubic area; or

1144                   (iv) a human anus.

1145                   (131) "State of seminudity" means a state of dress in which opaque clothing covers no more  
1146                   than:

1147                   (a) the nipple and areola of the female human breast in a shape and color other than the  
1148                   natural shape and color of the nipple and areola; and

1149                   (b) the human genitals, pubic area, and anus:

1150                   (i) with no less than the following at its widest point:

- 1151 (A) four inches coverage width in the front of the human body; and
- 1152 (B) five inches coverage width in the back of the human body; and
- 1153 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

1154 (132)(a) "State store" means a facility for the sale of packaged liquor:

- 1155 (i) located on premises owned or leased by the state; and
- 1156 (ii) operated by a state employee.

1157 (b) "State store" does not include:

- 1158 (i) a package agency;
- 1159 (ii) a licensee; or
- 1160 (iii) a permittee.

1161 (133)(a) "Storage area" means an area on licensed premises where the licensee stores an  
1162 alcoholic product.

1163 (b) "Store" means to place or maintain in a location an alcoholic product.

1164 (134) "Sublicense" means:

- 1165 (a) any of the following licenses issued as a subordinate license to, and contingent on the  
1166 issuance of, a principal license:
  - 1167 (i) a full-service restaurant license;
  - 1168 (ii) a limited-service restaurant license;
  - 1169 (iii) a bar establishment license;
  - 1170 (iv) an on-premise banquet license;
  - 1171 (v) an on-premise beer retailer license;
  - 1172 (vi) a beer-only restaurant license; or
  - 1173 (vii) a hospitality amenity license; or
- 1174 (b) a spa sublicense.

1175 (135) "Supplier" means a person who sells an alcoholic product to the department.

1176 (136) "Tavern" means an on-premise beer retailer who is:

- 1177 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,  
1178 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 1179 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,  
1180 On-Premise Beer Retailer License.

1181 (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,  
1182 Part 4, Temporary Beer Event Permit.

1183 (138) "Temporary domicile" means the principal place of abode within Utah of a person  
1184 who does not have a present intention to continue residency within Utah permanently or

1185 indefinitely.

1186 (139) "Translucent" means a substance that allows light to pass through, but does not allow  
1187 an object or person to be seen through the substance.

1188 (140) "Unsaleable liquor merchandise" means a container that:

1189 (a) is unsaleable because the container is:

1190 (i) unlabeled;

1191 (ii) leaky;

1192 (iii) damaged;

1193 (iv) difficult to open; or

1194 (v) partly filled;

1195 (b)(i) has faded labels or defective caps or corks;

1196 (ii) has contents that are:

1197 (A) cloudy;

1198 (B) spoiled; or

1199 (C) chemically determined to be impure; or

1200 (iii) contains:

1201 (A) sediment; or

1202 (B) a foreign substance; or

1203 (c) is otherwise considered by the department as unfit for sale.

1204 (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural  
1205 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not  
1206 another ingredient is added.

1207 (b) "Wine" includes:

1208 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.  
1209 Sec. 4.10; and

1210 (ii) hard cider.

1211 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in  
1212 this title.

1213 (142) "Winery manufacturing license" means a license issued in accordance with Chapter  
1214 11, Part 3, Winery Manufacturing License.

1215 Section 5. Section **32B-1-406** is amended to read:

1216 **32B-1-406 (Effective 07/01/27). Acceptance of identification.**

1217 (1) An authorized person may accept as evidence of the legal age of the individual  
1218 presenting the following:

1219 (a) proof of age; or  
1220 (b) if a statement of age is required under Section 32B-1-405:  
1221 (i) proof of age; and  
1222 (ii) a statement of age.

1223 (2) A statement of age, if properly completed, signed, and filed in accordance with Section  
1224 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:  
1225 (a) selling, offering for sale, or furnishing an alcoholic product to the individual who  
1226 signed the statement of age;  
1227 (b) admitting the individual who signed the statement of age into a restricted area; or  
1228 (c) allowing the individual who signed the statement of age to be employed in  
1229 employment that under this title may not be obtained by a minor.

1230 [(3) An authorized person may not accept a driving privilege card issued in accordance with  
1231 Section 53-3-207 as evidence of the legal age of an individual.]

1232 Section 6. Section **41-6a-410** is enacted to read:

1233 **41-6a-410 (Effective 07/01/27). Presumption of fault of an unlawfully present  
1234 alien.**

1235 (1) As used in this section, "unlawfully present alien" means an individual who is  
1236 unlawfully present in the United States.

1237 (2) In any civil action brought for damages caused by an accident involving an individual  
1238 who is an unlawfully present alien, there is a rebuttable presumption that the unlawfully  
1239 present alien is at fault for the accident for purposes of filing an insurance claim.

1240 (3) The presumption described in Subsection (2) may be rebutted by clear and convincing  
1241 evidence that the unlawfully present alien was not at fault based on factors related to the  
1242 collision, including:

1243 (a) witness statements;  
1244 (b) accident reconstruction; or  
1245 (c) video evidence.

1246 (4) A peace officer investigating an accident shall include in the accident report described  
1247 in Section 41-6a-404:

1248 (a) an indication whether an individual involved in the accident is an unlawfully present  
1249 alien; and  
1250 (b) if an individual involved in the accident is an unlawfully present alien, an indication  
1251 that the presumption described in Subsection (2) applies.

1252 (5) An insurance provider relevant to an accident involving an unlawfully present alien:

1253 (a) shall apply the presumption described in Subsection (2); and  
1254 (b) may not pay a benefit or settle a claim with an unlawfully present alien.

1255 Section 7. Section **46-1-2** is amended to read:

1256 **46-1-2 (Effective 07/01/27). Definitions.**

1257 As used in this chapter:

1258 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose  
1259 identity is personally known to the notary or proven on the basis of satisfactory  
1260 evidence, has admitted, in the presence of the notary, to voluntarily signing a document  
1261 for the document's stated purpose.

1262 (2) "Before me" means that an individual appears in the presence of the notary.

1263 (3) "Commission" means:  
1264 (a) to empower to perform notarial acts; or  
1265 (b) the written document that gives authority to perform notarial acts, including the  
1266 Certificate of Authority of Notary Public that the lieutenant governor issues to a  
1267 notary.

1268 (4) "Copy certification" means a notarial act in which a notary certifies that a photocopy is  
1269 an accurate copy of a document that is neither a public record nor publicly recorded.

1270 (5) "Electronic notarization" means:  
1271 (a) a remote notarization; or  
1272 (b) a notarization:  
1273 (i) in an electronic format;  
1274 (ii) of a document that may be recorded electronically under Subsection 17-71-402(2);  
1275 and  
1276 (iii) that conforms with rules made under Section 46-1-3.7.

1277 (6) "Electronic recording" means the audio and video recording, described in Subsection  
1278 46-1-3.6(3), of a remote notarization.

1279 (7) "Electronic seal" means an electronic version of the seal described in Section 46-1-16,  
1280 that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary may attach  
1281 to a notarial certificate to complete an electronic notarization.

1282 (8) "Electronic signature" means the same as that term is defined in Section 46-4-102.

1283 (9) "In the presence of the notary" means that an individual:  
1284 (a) is physically present with the notary in close enough proximity to see and hear the  
1285 notary; or  
1286 (b) communicates with a remote notary by means of an electronic device or process that:

1287 (i) allows the individual and remote notary to communicate with one another  
1288 simultaneously by sight and sound; and  
1289 (ii) complies with rules made under Section 46-1-3.7.

1290 (10) "Jurat" means a notarial act in which a notary certifies:  
1291 (a) the identity of a signer who:  
1292 (i) is personally known to the notary; or  
1293 (ii) provides the notary satisfactory evidence of the signer's identity;  
1294 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document;  
1295 and  
1296 (c) that the signer voluntarily signs the document in the presence of the notary.

1297 (11) "Notarial act" or "notarization" means an act that a notary is authorized to perform  
1298 under Section 46-1-6.

1299 (12) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:  
1300 (a) a part of or attached to a notarized document; and  
1301 (b) completed by the notary and bears the notary's signature and official seal.

1302 (13)(a) "Notary" means an individual commissioned to perform notarial acts under this  
1303 chapter.  
1304 (b) "Notary" includes a remote notary.

1305 (14) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person  
1306 made a vow or affirmation in the presence of the notary on penalty of perjury.

1307 (15) "Official misconduct" means a notary's performance of any act prohibited or failure to  
1308 perform any act mandated by this chapter or by any other law in connection with a  
1309 notarial act.

1310 (16)(a) "Official seal" means the seal described in Section 46-1-16 that a notary may  
1311 attach to a notarial certificate to complete a notarization.  
1312 (b) "Official seal" includes an electronic seal.

1313 (17) "Personally known" means familiarity with an individual resulting from interactions  
1314 with that individual over a period of time sufficient to eliminate every reasonable doubt  
1315 that the individual has the identity claimed.

1316 (18) "Remote notarization" means a notarial act performed by a remote notary in  
1317 accordance with this chapter for an individual who is not in the physical presence of the  
1318 remote notary at the time the remote notary performs the notarial act.

1319 (19) "Remote notary" means a notary that holds an active remote notary certification under  
1320 Section 46-1-3.5.

1321 (20)(a) "Satisfactory evidence of identity" means:

1322 (i) for both an in-person and remote notarization, identification of an individual based  
1323 on:  
1324 (A) subject to Subsection (20)(b), valid personal identification with the  
1325 individual's photograph, signature, and physical description that the United  
1326 States government, any state within the United States, or a foreign government  
1327 issues;  
1328 (B) subject to Subsection (20)(b), a valid passport that any nation issues; or  
1329 (C) the oath or affirmation of a credible person who is personally known to the  
1330 notary and who personally knows the individual; and  
1331 (ii) for a remote notarization only, a third party's affirmation of an individual's  
1332 identity in accordance with rules made under Section 46-1-3.7 by means of:  
1333 (A) dynamic knowledge-based authentication, which may include requiring the  
1334 individual to answer questions about the individual's personal information  
1335 obtained from public or proprietary data sources; or  
1336 (B) analysis of the individual's biometric data, which may include facial  
1337 recognition, voiceprint analysis, or fingerprint analysis.

1338 (b) "Satisfactory evidence of identity," for a remote notarization, requires the  
1339 identification described in Subsection (20)(a)(i)(A) or passport described in  
1340 Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in  
1341 accordance with rules made under Section 46-1-3.7.

1342 (c) "Satisfactory evidence of identity" does not include[:]  
1343 [(:) a driving privilege card under Subsection 53-3-207(12); or]  
1344 [(:) another] a document that is not considered valid for identification.

1345 (21) "Signature witnessing" means a notarial act in which an individual:

1346 (a) appears in the presence of the notary and presents a document;

1347 (b) provides the notary satisfactory evidence of the individual's identity, or is personally  
1348 known to the notary; and

1349 (c) signs the document in the presence of the notary.

1350 Section 8. Section **53-3-102** is amended to read:

1351 **53-3-102 (Effective 07/01/27). Definitions.**

1352 As used in this chapter:

1353 (1) "Autocycle" means a motor vehicle that:

1354 (a) is designed to travel with three or fewer wheels in contact with the ground; and

1355 (b) is equipped with:

1356 (i) a steering mechanism;

1357 (ii) seat belts; and

1358 (iii) seating that does not require the operator to straddle or sit astride the motor

1359 vehicle.

1360 (2) "Cancellation" means the termination by the division of a license issued through error or

1361 fraud or for which consent under Section 53-3-211 has been withdrawn.

1362 (3) "Class D license" means the class of license issued to drive motor vehicles not defined

1363 as commercial motor vehicles or motorcycles under this chapter.

1364 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

1365 (a) issued under Section 53-3-408; or

1366 (b) issued by a state or other jurisdiction of domicile in compliance with the standards

1367 contained in 49 C.F.R. Part 383.

1368 (5) "Commercial driver license" or "CDL" means a license:

1369 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,

1370 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

1371 Uniform Commercial Driver License Act, which authorizes the holder to drive a class

1372 of commercial motor vehicle; and

1373 (b) that was obtained by providing evidence of lawful presence in the United States with

1374 one of the document requirements described in Subsection 53-3-410(1)(i)(i).

1375 (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a

1376 driving record that:

1377 (i) applies to a person who holds or is required to hold a commercial driver

1378 instruction permit or a CDL license; and

1379 (ii) contains the following:

1380 (A) information contained in the driver history, including convictions, pleas held

1381 in abeyance, disqualifications, and other licensing actions for violations of any

1382 state or local law relating to motor vehicle traffic control, committed in any

1383 type of vehicle;

1384 (B) driver self-certification status information under Section 53-3-410.1; and

1385 (C) information from medical certification record keeping in accordance with 49

1386 C.F.R. Sec. 383.73(o).

1387 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a

1388 motor vehicle record described in Subsection (32) (31).

1389 (7)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor  
1390 vehicles designed or used to transport passengers or property if the motor vehicle:  
1391 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more  
1392 pounds, or gross combination weight rating or gross combination weight of  
1393 26,001 or more pounds or a lesser rating as determined by federal regulation;  
1394 (ii) is designed to transport 16 or more passengers, including the driver; or  
1395 (iii) is transporting hazardous materials and is required to be placarded in accordance  
1396 with 49 C.F.R. Part 172, Subpart F.

1397 (b) The following vehicles are not considered a commercial motor vehicle for purposes  
1398 of Part 4, Uniform Commercial Driver License Act:  
1399 (i) equipment owned and operated by the United States Department of Defense when  
1400 driven by any active duty military personnel and members of the reserves and  
1401 national guard on active duty including personnel on full-time national guard duty,  
1402 personnel on part-time training, and national guard military technicians and  
1403 civilians who are required to wear military uniforms and are subject to the code of  
1404 military justice;  
1405 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm  
1406 machinery, or farm supplies to or from a farm within 150 miles of his farm but not  
1407 in operation as a motor carrier for hire;  
1408 (iii) firefighting and emergency vehicles;  
1409 (iv) recreational vehicles that are not used in commerce and are driven solely as  
1410 family or personal conveyances for recreational purposes; and  
1411 (v) vehicles used to provide transportation network services, as defined in Section  
1412 13-51-102.

1413 (8) "Conviction" means any of the following:  
1414 (a) an unvacated adjudication of guilt or a determination that a person has violated or  
1415 failed to comply with the law in a court of original jurisdiction or an administrative  
1416 proceeding;  
1417 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance  
1418 in court;  
1419 (c) a plea of guilty or nolo contendere accepted by the court;  
1420 (d) the payment of a fine or court costs; or  
1421 (e) violation of a condition of release without bail, regardless of whether the penalty is  
1422 rebated, suspended, or probated.

1423 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
1424 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's  
1425 Security, do not apply.

1426 (10) "Director" means the division director appointed under Section 53-3-103.

1427 (11) "Disqualification" means either:

1428 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of  
1429 a person's privileges to drive a commercial motor vehicle;

1430 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
1431 that a person is no longer qualified to drive a commercial motor vehicle under 49  
1432 C.F.R. Part 391; or

1433 (c) the loss of qualification that automatically follows conviction of an offense listed in  
1434 49 C.F.R. Part 383.51.

1435 (12) "Division" means the Driver License Division of the department created in Section  
1436 53-3-103.

1437 (13) "Downgrade" means to obtain a lower license class than what was originally issued  
1438 during an existing license cycle.

1439 (14) "Drive" means:

1440 (a) to operate or be in physical control of a motor vehicle upon a highway; and

1441 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
1442 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any  
1443 place within the state.

1444 (15)(a) "Driver" means an individual who drives, or is in actual physical control of a  
1445 motor vehicle in any location open to the general public for purposes of vehicular  
1446 traffic.

1447 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person  
1448 who is required to hold a CDL under Part 4, Uniform Commercial Driver License  
1449 Act, or federal law.

1450 [(16) "Driving privilege card" means the evidence of the privilege granted and issued under  
1451 this chapter to drive a motor vehicle to a person whose privilege was obtained without  
1452 providing evidence of lawful presence in the United States.]

1453 [(17)] (16) "Electronic license certificate" means the evidence, in an electronic format as  
1454 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor  
1455 vehicle.

1456 [(18)] (17) "Extension" means a renewal completed in a manner specified by the division.

1457 [19] (18) "Farm tractor" means every motor vehicle designed and used primarily as a farm  
1458 implement for drawing plows, mowing machines, and other implements of husbandry.

1459 [20] (19) "Highway" means the entire width between property lines of every way or place  
1460 of any nature when any part of it is open to the use of the public, as a matter of right, for  
1461 traffic.

1462 [21] (20) "Human driver" means the same as that term is defined in Section 41-26-102.1.

1463 [22] (21) "Identification card" means a card issued under Part 8, Identification Card Act, to  
1464 a person for identification purposes.

1465 [23] (22) "Indigent" means that a person's income falls below the federal poverty guideline  
1466 issued annually by the United States Department of Health and Human Services in the  
1467 Federal Register.

1468 [24] (23) "Interdicted person" means the same as that term is defined in Section 32B-1-102.

1469 [25] (24) "Interdicted person identifier" means language and other security features on a  
1470 license certificate or identification card indicating that the person is an interdicted  
1471 person, which features include:

1472 (a) the language "No Alcohol Sale"; and

1473 (b) other security features identifying the individual as being restricted from purchasing  
1474 alcohol, including a prominent red stripe on the front of the license or identification  
1475 card.

1476 [26] (25) "License" means the privilege to drive a motor vehicle.

1477 [27] (26)(a) "License certificate" means the evidence of the privilege issued under this  
1478 chapter to drive a motor vehicle.

1479 (b) "License certificate" evidence includes:

1480 (i) a regular license certificate;

1481 (ii) a limited-term license certificate;

1482 [18] (iii) a driving privilege card;]

1483 [19] (iv) a CDL license certificate;

1484 [20] (v) a limited-term CDL license certificate;

1485 [21] (vi) a temporary regular license certificate;

1486 [22] (vii) a temporary limited-term license certificate; and

1487 [23] (viii) an electronic license certificate created in Section 53-3-235.

1488 [28] (27) "Limited-term commercial driver license" or "limited-term CDL" means a  
1489 license:

1490 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.

1491        99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with  
1492        Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive  
1493        a class of commercial motor vehicle; and

1494        (b) that was obtained by providing evidence of lawful presence in the United States with  
1495        one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

1496        [29] (28) "Limited-term identification card" means an identification card issued under this  
1497        chapter to a person whose card was obtained by providing evidence of lawful presence  
1498        in the United States with one of the document requirements described in Subsection  
1499        53-3-804(2)(i)(ii).

1500        [30] (29) "Limited-term license certificate" means the evidence of the privilege granted  
1501        and issued under this chapter to drive a motor vehicle to a person whose privilege was  
1502        obtained providing evidence of lawful presence in the United States with one of the  
1503        document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

1504        [31] (30) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

1505        [32] (31) "Motor vehicle record" or "MVR" means a driving record under Subsection  
1506        53-3-109(7)(a).

1507        [33] (32) "Motorboat" means the same as that term is defined in Section 73-18-2.

1508        [34] (33) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or  
1509        saddle for the use of the rider and designed to travel with not more than three wheels in  
1510        contact with the ground.

1511        [35] (34) "Office of Recovery Services" means the Office of Recovery Services, created in  
1512        Section 26B-9-103.

1513        [36] (35) "Operate" means the same as that term is defined in Section 41-1a-102.

1514        [37] (36)(a) "Owner" means a person other than a lien holder having an interest in the  
1515        property or title to a vehicle.

1516        (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a  
1517        security interest in another person but excludes a lessee under a lease not intended as  
1518        security.

1519        [38] (37) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,  
1520        or other financial penalty imposed on an individual by a court or other government  
1521        entity.

1522        [39] (38)(a) "Private passenger carrier" means any motor vehicle for hire that is:

1523        (i) designed to transport 15 or fewer passengers, including the driver; and  
1524        (ii) operated to transport an employee of the person that hires the motor vehicle.

1525 (b) "Private passenger carrier" does not include:  
1526 (i) a taxicab;  
1527 (ii) a motor vehicle driven by a transportation network driver as defined in Section  
1528 13-51-102;  
1529 (iii) a motor vehicle driven for transportation network services as defined in Section  
1530 13-51-102; and  
1531 (iv) a motor vehicle driven for a transportation network company as defined in  
1532 Section 13-51-102 and registered with the Division of Consumer Protection as  
1533 described in Section 13-51-104.

1534 [~~(40)~~] (39) "Regular identification card" means an identification card issued under this  
1535 chapter to a person whose card was obtained by providing evidence of lawful presence  
1536 in the United States with one of the document requirements described in Subsection  
1537 53-3-804(2)(i)(i).

1538 [~~(41)~~] (40) "Regular license certificate" means the evidence of the privilege issued under  
1539 this chapter to drive a motor vehicle whose privilege was obtained by providing  
1540 evidence of lawful presence in the United States with one of the document requirements  
1541 described in Subsection 53-3-205(8)(a)(ii)(A).

1542 [~~(42)~~] (41) "Renewal" means to validate a license certificate so that it expires at a later date.

1543 [~~(43)~~] (42) "Reportable violation" means an offense required to be reported to the division  
1544 as determined by the division and includes those offenses against which points are  
1545 assessed under Section 53-3-221.

1546 [~~(44)~~] (43)(a) "Resident" means an individual who:

1547 (i) has established a domicile in this state, as defined in Section 41-1a-202, or  
1548 regardless of domicile, remains in this state for an aggregate period of six months  
1549 or more during any calendar year;  
1550 (ii) engages in a trade, profession, or occupation in this state, or who accepts  
1551 employment in other than seasonal work in this state, and who does not commute  
1552 into the state;  
1553 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver  
1554 license certificate or motor vehicle registration; or  
1555 (iv) declares himself a resident of this state to obtain privileges not ordinarily  
1556 extended to nonresidents, including going to school, or placing children in school  
1557 without paying nonresident tuition or fees.

1558 (b) "Resident" does not include any of the following:

1559 (i) a member of the military, temporarily stationed in this state;  
1560 (ii) an out-of-state student, as classified by an institution of higher education,  
1561 regardless of whether the student engages in any type of employment in this state;  
1562 (iii) a person domiciled in another state or country, who is temporarily assigned in  
1563 this state, assigned by or representing an employer, religious or private  
1564 organization, or a governmental entity; or  
1565 (iv) an immediate family member who resides with or a household member of a  
1566 person listed in Subsections [(44)(b)(i)] (43)(b)(i) through (iii).

1567 [~~(45)~~] (44) "Revocation" means the termination by action of the division of a licensee's  
1568 privilege to drive a motor vehicle.

1569 [~~(46)~~] (45)(a) "School bus" means a commercial motor vehicle used to transport  
1570 pre-primary, primary, or secondary school students to and from home and school, or  
1571 to and from school sponsored events.

1572 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
1573 59-12-102.

1574 [~~(47)~~] (46) "Suspension" means the temporary withdrawal by action of the division of a  
1575 licensee's privilege to drive a motor vehicle.

1576 [~~(48)~~] (47) "Taxicab" means any class D motor vehicle transporting any number of  
1577 passengers for hire and that is subject to state or federal regulation as a taxi.

1578 Section 9. Section **53-3-105** is amended to read:

1579 **53-3-105 (Effective 07/01/27). Fees for licenses, renewals, extensions,  
1580 reinstatements, rescheduling, and identification cards.**

1581 Except as provided in Subsection [~~(39)~~] (37), the following fees apply under this chapter:

1582 (1) An original class D license application under Section 53-3-205 is \$52.  
1583 (2) An original provisional license application for a class D license under Section 53-3-205  
1584 is \$39.  
1585 (3) An original limited term license application under Section 53-3-205 is \$32.  
1586 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.  
1587 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.  
1588 (6) A learner permit application under Section 53-3-210.5 is \$19.  
1589 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)  
1590 applies.  
1591 (8) A renewal of a provisional license application for a class D license under Section  
1592 53-3-214 is \$52.

1593 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.

1594 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.

1595 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.

1596 (12) A renewal of a class D license for an individual 65 years old and older under Section  
1597 53-3-214 is \$27.

1598 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)  
1599 applies.

1600 (14) An extension of a provisional license application for a class D license under Section  
1601 53-3-214 is \$42.

1602 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.

1603 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.

1604 (17) An extension of a class D license for an individual 65 years old and older under  
1605 Section 53-3-214 is \$22.

1606 (18) An original or renewal application for a commercial class A, B, or C license or an  
1607 original or renewal of a provisional commercial class A or B license under Part 4,  
1608 Uniform Commercial Driver License Act, is \$52.

1609 (19) A commercial class A, B, or C license skills test is \$78.

1610 (20) Each original CDL endorsement for passengers, hazardous material, double or triple  
1611 trailers, or tankers is \$9.

1612 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial  
1613 Driver License Act, is \$9.

1614 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License  
1615 Act, is \$9.

1616 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.

1617 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.

1618 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.

1619 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.

1620 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.

1621 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or  
1622 combination of alcohol and any drug-related offense is \$45 in addition to the fee  
1623 under Subsection (26)(a).

1624 (27)(a) An administrative fee for license reinstatement after an alcohol, drug, or  
1625 combination of alcohol and any drug-related offense under Section 41-6a-520,  
1626 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any

1627 drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.

1628 (b) This administrative fee is in addition to the fees under Subsection (26).

1629 (28)(a) An administrative fee for providing the driving record of a driver under Section  
1630 53-3-104 or 53-3-420 is \$8.

1631 (b) The division may not charge for a report furnished under Section 53-3-104 to a  
1632 municipal, county, state, or federal agency.

1633 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

1634 (30)(a) Except as provided under Subsections (30)(b) and (c), an identification card  
1635 application under Section 53-3-808 is \$23.

1636 (b) An identification card application under Section 53-3-808 for a person with a  
1637 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

1638 (c) A fee may not be charged for an identification card application if the individual  
1639 applying:

1640 (i)(A) has not been issued a Utah driver license;

1641 (B) is indigent; and

1642 (C) is at least 18 years old;

1643 (ii) submits written verification that the individual is homeless, as defined in Section  
1644 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child  
1645 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

1646 (A) a homeless shelter, as defined in Section 35A-16-305;

1647 (B) a permanent housing, permanent, supportive, or transitional facility, as defined  
1648 in Section 35A-5-302;

1649 (C) the Department of Workforce Services; or

1650 (D) a local educational agency liaison for homeless children and youth designated  
1651 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or

1652 (iii) is under 26 years old and submits written verification that the individual:

1653 (A) is in the custody of the Division of Child and Family Services; or

1654 (B) was in the custody of the Division of Child and Family Services but is no  
1655 longer in the custody of the Division of Child and Family Services due to the  
1656 individual's age.

1657 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a  
1658 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

1659 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written  
1660 verification that the individual is homeless, as defined in Section 26B-3-207, or a

1661                   person who is homeless, as defined in Section 35A-5-302, or a child or youth who is  
1662                   homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:  
1663                   (i) a homeless shelter, as defined in Section 35A-16-305;  
1664                   (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in  
1665                   Section 35A-5-302;  
1666                   (iii) the Department of Workforce Services;  
1667                   (iv) a homeless service provider as verified by the Department of Workforce Services  
1668                   as described in Section 26B-8-113; or  
1669                   (v) a local educational agency liaison for homeless children and youth designated  
1670                   under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

1671 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is  
1672                   \$23.

1673 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written  
1674                   verification that the individual is homeless, as defined in Section 26B-3-207, or a  
1675                   person who is homeless, as defined in Section 35A-5-302, from:  
1676                   (i) a homeless shelter, as defined in Section 35A-16-305;  
1677                   (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in  
1678                   Section 35A-5-302;  
1679                   (iii) the Department of Workforce Services; or  
1680                   (iv) a homeless service provider as verified by the Department of Workforce Services  
1681                   as described in Section 26B-8-113.

1682 (33) In addition to any license application fees collected under this chapter, the division  
1683                   shall impose on individuals submitting fingerprints in accordance with Section  
1684                   53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for  
1685                   the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

1686 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.

1687 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

1688 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.

1689 [37) An original driving privilege card application under Section 53-3-207 is \$32.]

1690 [38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.]

1691 [39) (37) A fee may not be charged for an original class D license application, original  
1692                   provisional license application for a class D license, or a learner permit application if the  
1693                   individual applying is:

1694 (a) under the 26 years old; and

1695 (b) submits written verification that the individual:  
1696 (i) is in the custody of the Division of Child and Family Services; or  
1697 (ii) was in the custody of the Division of Child and Family Services but is no longer  
1698 in the custody of the Division of Child and Family Services due to the individual's  
1699 age.

1700 [~~(40)~~] (38) An administrative fee to add an interdicted person identifier to a license  
1701 certificate under Section 53-3-236 or identification card under Section 53-3-805 is \$7.

1702 Section 10. Section **53-3-106** is amended to read:

1703 **53-3-106 (Effective 07/01/27). Disposition of revenues under this chapter --**

1704 **Restricted account created -- Uses as provided by appropriation -- Nonlapsing.**

1705 (1) There is created within the Transportation Fund a restricted account known as the  
1706 "Department of Public Safety Restricted Account."

1707 (2) The account consists of money generated from the following revenue sources:

1708 (a) all money received under this chapter;

1709 (b) administrative fees received according to the fee schedule authorized under this  
1710 chapter and Section 63J-1-504;

1711 (c) beginning on January 1, 2013, money received in accordance with Section  
1712 41-1a-1201; and

1713 (d) any appropriations made to the account by the Legislature.

1714 (3)(a) The account shall earn interest.

1715 (b) All interest earned on account money shall be deposited into the account.

1716 (4) The expenses of the department in carrying out this chapter shall be provided for by  
1717 legislative appropriation from this account.

1718 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(27) shall  
1719 be appropriated by the Legislature from this account to the department to implement the  
1720 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$100 shall  
1721 be deposited into the State Laboratory Drug Testing Account created in Section  
1722 26B-1-304.

1723 (6) All money received under Subsection 41-6a-1406(7)(b)(ii) shall be appropriated by the  
1724 Legislature from this account to the department to implement the provisions of Section  
1725 53-1-117.

1726 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000 annually  
1727 from the account to the state medical examiner appointed under Section 26B-8-202 for  
1728 use in carrying out duties related to highway crash deaths under Subsection

1729 26B-8-205(1).

1730 [~~(8) The division shall remit the fees collected under Subsection 53-3-105(31) to the Bureau~~  
1731 ~~of Criminal Identification to cover the costs for the services the Bureau of Criminal~~  
1732 ~~Identification provides under Section 53-3-205.5.]~~

1733 [~~(9) (8)(a) Beginning on January 1, 2013, the Legislature shall appropriate all money~~  
1734 ~~received in the account under Section 41-1a-1201 to the Utah Highway Patrol~~  
1735 ~~Division for field operations.~~

1736 (b) The Legislature may appropriate additional money from the account to the Utah  
1737 Highway Patrol Division for law enforcement purposes.

1738 [~~(10) (9) Appropriations to the department from the account are nonlapsing.~~

1739 [~~(11) (10) The department shall report to the Department of Health and Human Services, on~~  
1740 ~~or before December 31, the amount the department expects to collect under Subsection~~  
1741 ~~53-3-105(27) in the next fiscal year.~~

1742 Section 11. Section **53-3-204** is amended to read:

1743 **53-3-204 (Effective 05/06/26). Persons who may not be licensed.**

1744 (1)(a) The division may not license a person who:

1745 (i) is younger than 16 years old;  
1746 (ii) if the person is 18 years old or younger, has not completed a course in driver  
1747 training approved by the commissioner;  
1748 (iii) if the person is 19 years old or older has not completed:  
1749 (A) a course in driver training approved by the commissioner; or  
1750 (B) the requirements under Subsection 53-3-210.5(6)(c);  
1751 (iv) if the person is a minor as defined in Section 53-3-211, has not completed the  
1752 driving requirement under Section 53-3-211;  
1753 (v) is not a resident of the state, unless the person:  
1754 (A) is issued a temporary CDL under Subsection 53-3-407(2)(b) prior to July 1,  
1755 2015; or  
1756 (B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;

1757 (vi) if the person is 17 years old or younger, has not held a learner permit issued  
1758 under Section 53-3-210.5 or an equivalent by another state or branch of the United  
1759 States Armed Forces for six months; or

1760 (vii) is younger than 18 years old and applying for a CDL under 49 C.F.R. Part 383.

1761 (b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:

1762 (i) who has been licensed before July 1, 1967; or

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

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

- (a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;
- (b) whose privilege has been revoked, except as provided in Section 53-3-225;
- (c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;
- (d) who is required by this chapter to take an examination unless the person successfully passes the examination;
- (e) whose driving privileges have been denied or suspended under:
  - (i) Section 80-6-707 by an order of the juvenile court; or
  - (ii) Section 53-3-231; or
- (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card issued under Part 8, Identification Card Act, unless:
  - (i) the Utah identification card is canceled; and
  - (ii) if the Utah identification card is in the person's possession, the Utah identification card is surrendered to the division.

(3)(a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle endorsement to a person who:

- (i) has not been granted an original or provisional class D license, a CDL, or an out-of-state equivalent to an original or provisional class D license or a CDL; and
- (ii) if the person is under 19 years old, has not held a motorcycle learner permit for two months unless Subsection (3)(b) applies.

(b) The division may waive the two month motorcycle learner permit holding period requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division that the person has completed a motorcycle rider education program that meets the requirements under Section 53-3-903.

(c) The division may grant a motorcycle endorsement to a person under 19 years old 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.

1797 (5)(a) The division may not grant a driving privilege card on or after May 6, 2026.

1798 (b) A driving privilege card that is issued on or before May 5, 2026, is valid until the  
1799 expiration date of the driving privilege card.

1800 Section 12. Section **53-3-205** is amended to read:

1801 **53-3-205 (Effective 07/01/27). Application for license or endorsement -- Fee**  
1802 **required -- Tests -- Expiration dates of licenses and endorsements -- Information**  
1803 **required -- Previous licenses surrendered -- Driving record transferred from other states**  
1804 **-- Reinstatement -- Fee required -- License agreement.**

1805 (1) An application for an original license, provisional license, or endorsement shall be:

1806 (a) made upon a form furnished by the division; and

1807 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

1808 (2) An application and fee for an original provisional class D license or an original class D  
1809 license entitle the applicant to:

1810 (a) not more than three attempts to pass both the knowledge and the skills tests for a  
1811 class D license within six months after the date of the application;

1812 (b) a learner permit if needed pending completion of the application and testing process;  
1813 and

1814 (c) an original class D license and license certificate after all tests are passed and  
1815 requirements are completed.

1816 (3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:

1817 (a) not more than three attempts to pass both the knowledge and skills tests within six  
1818 months after the date of the application;

1819 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

1820 (c) a motorcycle or taxicab endorsement when all tests are passed.

1821 (4) An application for a commercial class A, B, or C license entitles the applicant to:

1822 (a) not more than two attempts to pass a knowledge test when accompanied by the fee  
1823 provided in Subsection 53-3-105(18);

1824 (b) not more than two attempts to pass a skills test when accompanied by a fee in  
1825 Subsection 53-3-105(19) within six months after the date of application;

1826 (c) both a commercial driver instruction permit and a temporary license permit for the  
1827 license class held before the applicant submits the application if needed after the  
1828 knowledge test is passed; and

1829 (d) an original commercial class A, B, or C license and license certificate when all  
1830 applicable tests are passed.

1831 (5) An application and fee for a CDL endorsement entitle the applicant to:

1832 (a) not more than two attempts to pass a knowledge test and not more than two attempts  
1833 to pass a skills test within six months after the date of the application; and

1834 (b) a CDL endorsement when all tests are passed.

1835 (6)(a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement  
1836 test within the number of attempts provided in Subsection (4) or (5), each test may be  
1837 taken two additional times within the six months for the fee provided in Section  
1838 53-3-105.

1839 (b)(i) An out-of-state resident who holds a valid CDIP issued by a state or  
1840 jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test  
1841 administered by the division if the out-of-state resident pays the fee provided in  
1842 Subsection 53-3-105(19).

1843 (ii) The division shall:

1844 (A) electronically transmit skills test results for an out-of-state resident to the  
1845 licensing agency in the state or jurisdiction in which the out-of-state resident  
1846 has obtained a valid CDIP; and

1847 (B) provide the out-of-state resident with documentary evidence upon successful  
1848 completion of the skills test.

1849 (7)(a)(i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class  
1850 D license expires on the birth date of the applicant in the eighth year after the year  
1851 the license certificate was issued.

1852 (ii) An original provisional class D license expires on the birth date of the applicant  
1853 in the fifth year following the year the license certificate was issued.

1854 (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on  
1855 the birth date of the applicant in the fifth year the license certificate was issued.

1856 (b) Except as provided under [Subsections (7)(f) and (g)] Subsection (7)(f), a renewal or  
1857 an extension to a license expires on the birth date of the licensee in the eighth year  
1858 after the expiration date of the license certificate renewed or extended.

1859 (c) Except as provided under [Subsections (7)(f) and (g)] Subsection (7)(f), a duplicate  
1860 license expires on the same date as the last license certificate issued.

1861 (d) An endorsement to a license expires on the same date as the license certificate  
1862 regardless of the date the endorsement was granted.

1863 (e)(i) A regular license certificate and an endorsement to the regular license  
1864 certificate held by an individual described in Subsection (7)(e)(ii), that expires

1865        during the time period the individual is stationed outside of the state, is valid until  
1866        90 days after the individual's orders are terminated, the individual is discharged, or  
1867        the individual's assignment is changed or terminated, unless:

1868        (A) the license is suspended, disqualified, denied, or has been cancelled or  
1869                revoked by the division; or  
1870        (B) the licensee updates the information or photograph on the license certificate.

1871        (ii) The provisions in Subsection (7)(e)(i) apply to an individual:

1872        (A) ordered to active duty and stationed outside of Utah in any of the armed forces  
1873                of the United States;

1874        (B) who is an immediate family member or dependent of an individual described  
1875                in Subsection (7)(e)(ii)(A) and is residing outside of Utah;

1876        (C) who is a civilian employee of the United States State Department or United  
1877                States Department of Defense and is stationed outside of the United States; or

1878        (D) who is an immediate family member or dependent of an individual described  
1879                in Subsection (7)(e)(ii)(C) and is residing outside of the United States.

1880        (f)(i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or  
1881                a renewal to a limited-term license certificate expires:

1882        (A) on the expiration date of the period of time of the individual's authorized stay  
1883                in the United States or on the date provided under this Subsection (7),  
1884                whichever is sooner; or

1885        (B) on the date of issuance in the first year following the year that the limited-term  
1886                license certificate was issued if there is no definite end to the individual's  
1887                period of authorized stay.

1888        (ii) A limited-term license certificate or a renewal to a limited-term license certificate  
1889                issued to an approved asylee or a refugee expires on the birth date of the applicant  
1890                in the fifth year following the year that the limited-term license certificate was  
1891                issued.

1892        [(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the  
1893                birth date of the applicant in the first year following the year that the driving privilege  
1894                card was issued or renewed.]

1895        (8)(a) In addition to the information required by Title 63G, Chapter 4, Administrative  
1896                Procedures Act, for requests for agency action, an applicant shall:

1897        (i) provide:  
1898                (A) the applicant's full legal name;

1899 (B) the applicant's birth date;  
1900 (C) the applicant's sex;  
1901 (D)(I) documentary evidence of the applicant's valid social security number;  
1902 (II) written proof that the applicant is ineligible to receive a social security  
1903 number; or  
1904 ~~(III) the applicant's temporary identification number (ITIN) issued by the~~  
1905 ~~Internal Revenue Service for an individual who:~~  
1906 ~~(Aa) does not qualify for a social security number; and]~~  
1907 ~~(Bb) is applying for a driving privilege card; or]~~  
1908 ~~(IV) (III) other documentary evidence approved by the division; and~~  
1909 (E) the applicant's Utah residence address as documented by a form or forms  
1910 acceptable under rules made by the division under Section 53-3-104, unless the  
1911 application is for a temporary CDL issued under Subsection 53-3-407(2)(b);[  
1912 and]  
1913 ~~(F) fingerprints, or a fingerprint confirmation form described in Subsektion~~  
1914 ~~53-3-205.5(1)(a)(ii), and a photograph in accordance with Section 53-3-205.5~~  
1915 ~~if the applicant is applying for a driving privilege card;]~~  
1916 (ii) provide evidence of the applicant's lawful presence in the United States by  
1917 providing documentary evidence:  
1918 (A) that the applicant is:  
1919 (I) a United States citizen;  
1920 (II) a United States national; or  
1921 (III) a legal permanent resident alien; or  
1922 (B) of the applicant's:  
1923 (I) unexpired immigrant or nonimmigrant visa status for admission into the  
1924 United States;  
1925 (II) pending or approved application for asylum in the United States;  
1926 (III) admission into the United States as a refugee;  
1927 (IV) pending or approved application for temporary protected status in the  
1928 United States;  
1929 (V) approved deferred action status;  
1930 (VI) pending application for adjustment of status to legal permanent resident or  
1931 conditional resident; or  
1932 (VII) conditional permanent resident alien status;

1933 (iii) provide a description of the applicant;

1934 (iv) state whether the applicant has previously been licensed to drive a motor vehicle

1935 and, if so, when and by what state or country;

1936 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,

1937 disqualified, or denied in the last 10 years, or whether the applicant has ever had a

1938 license application refused, and if so, the date of and reason for the suspension,

1939 cancellation, revocation, disqualification, denial, or refusal;

1940 (vi) state whether the applicant intends to make an anatomical gift under Title 26B,

1941 Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, in compliance with

1942 Subsection (15);

1943 (vii) state whether the applicant is required to register as a sex offender, kidnap

1944 offender, or child abuse offender, in accordance with Title 53, Chapter 29, Sex,

1945 Kidnap, and Child Abuse Offender Registry;

1946 (viii) state whether the applicant is a veteran of the United States military, provide

1947 verification that the applicant was granted an honorable or general discharge from

1948 the United States Armed Forces, and state whether the applicant does or does not

1949 authorize sharing the information with the Department of Veterans and Military

1950 Affairs;

1951 (ix) provide all other information the division requires; and

1952 (x) sign the application which signature may include an electronic signature as

1953 defined in Section 46-4-102.

1954 (b) Unless the applicant provides acceptable verification of homelessness as described in

1955 rules made by the division, an applicant shall have a Utah residence address, unless

1956 the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).

1957 (c) An applicant shall provide evidence of lawful presence in the United States in

1958 accordance with Subsection (8)(a)(ii)[, unless the application is for a driving

1959 privilege card].

1960 (d) The division shall maintain on the division's computerized records an applicant's:

1961 (i)(A) social security number;

1962 (B) temporary identification number (ITIN); or

1963 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies;

1964 and

1965 (ii) indication whether the applicant is required to register as a sex offender, kidnap

1966 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

2001 the appointment or to cancel at least 48 hours in advance of the appointment shall pay  
2002 the fee under Section 53-3-105.

2003 (14) An applicant who applies for an original license or renewal of a license agrees that the  
2004 individual's license is subject to a suspension or revocation authorized under this title or  
2005 Title 41, Motor Vehicles.

2006 (15)(a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi)  
2007 in accordance with division rule.

2008 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
2009 Management Act, the division may, upon request, release to an organ procurement  
2010 organization, as defined in Section 26B-8-301, the names and addresses of all  
2011 applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an  
2012 anatomical gift.

2013 (ii) An organ procurement organization may use released information only to:  
2014 (A) obtain additional information for an anatomical gift registry; and  
2015 (B) inform licensees of anatomical gift options, procedures, and benefits.

2016 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management  
2017 Act, the division may release to the Department of Veterans and Military Affairs the  
2018 names and addresses of all applicants who indicate their status as a veteran under  
2019 Subsection (8)(a)(viii).

2020 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management  
2021 Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse  
2022 Offender Registry office in the Department of Public Safety, the names and addresses of  
2023 all applicants who, under Subsection (8)(a)(vii), indicate they are required to register as  
2024 a sex offender, kidnap offender, or child abuse offender in accordance with Title 53,  
2025 Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

2026 (18) The division and its employees are not liable, as a result of false or inaccurate  
2027 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:  
2028 (a) loss;  
2029 (b) detriment; or  
2030 (c) injury.

2031 (19) An applicant who knowingly fails to provide the information required under  
2032 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

2033 (20) A person may not hold both an unexpired Utah license certificate and an unexpired  
2034 identification card.

2035 (21)(a) An applicant who applies for an original motorcycle endorsement to a regular  
2036 license certificate is exempt from the requirement to pass the knowledge and skills  
2037 test to be eligible for the motorcycle endorsement if the applicant:  
2038 (i) is a resident of the state of Utah;  
2039 (ii)(A) is ordered to active duty and stationed outside of Utah in any of the armed  
2040 forces of the United States; or  
2041 (B) is an immediate family member or dependent of an individual described in  
2042 Subsection (21)(a)(ii)(A) and is residing outside of Utah;  
2043 (iii) has a digitized driver license photo on file with the division;  
2044 (iv) provides proof to the division of the successful completion of a certified  
2045 Motorcycle Safety Foundation rider training course; and  
2046 (v) provides the necessary information and documentary evidence required under  
2047 Subsection (8).

2048 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2049 division shall make rules:  
2050 (i) establishing the procedures for an individual to obtain a motorcycle endorsement  
2051 under this Subsection (21); and  
2052 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under  
2053 this Subsection (21).

2054 Section 13. Section **53-3-206** is amended to read:

2055 **53-3-206 (Effective 07/01/27). Examination of applicant's physical and mental  
2056 fitness to drive a motor vehicle.**

2057 (1) The division shall examine every applicant for a license, including a test of the  
2058 applicant's:  
2059 (a) eyesight either:  
2060 (i) by the division; or  
2061 (ii) by allowing the applicant to furnish to the division a statement from a physician  
2062 licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician  
2063 assistant licensed under Title 58, Chapter [70A] (70)(a), Utah Physician Assistant  
2064 Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry  
2065 Practice Act;  
2066 (b) ability to read and understand highway signs regulating, warning, and directing  
2067 traffic;  
2068 (c) ability to read and understand simple English used in highway traffic and directional

2069 signs;

2070 (d) knowledge of the state traffic laws;

2071 (e) other physical and mental abilities the division finds necessary to determine the  
2072 applicant's fitness to drive a motor vehicle safely on the highways; and

2073 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as  
2074 determined by actual demonstration or other indicator.

2075 [(2)(a) Subject to Subsektion (2)(d), and notwithstanding the provisions of Subsektion  
2076 (1) or any other provision of law, the division shall allow an individual to take an  
2077 examination of the individual's knowledge of the state traffic laws in the individual's  
2078 preferred language:]

2079 [(i) if the individual is a refugee, an approved asylee, or a covered humanitarian  
2080 parolee:]

2081 [(A) the first time the individual applies for a limited-term license certificate; and]  
2082 [(B) the first time the individual applies for a renewal of a limited-term license  
2083 certificate; and]

2084 [(ii) for any other individual applying for a class D license certificate:]

2085 [(A) the first time the individual applies for a class D license certificate; and]  
2086 [(B) the first time the individual applies for a renewal of a class D license  
2087 certificate.]

2088 [(b)(i) Upon the second renewal of a refugee's, an approved asylee's, or a covered  
2089 humanitarian parolee's limited-term license certificate for a refugee, an approved  
2090 asylee, or a covered humanitarian parolee that has taken the knowledge exam in  
2091 the individual's preferred language under Subsektion (2)(a), the division shall  
2092 re-examine the individual's knowledge of the state traffic laws in English.]

2093 [(ii) Upon the second renewal of an individual's class D license certificate of an  
2094 individual who has taken the knowledge exam in the individual's preferred  
2095 language under Subsektion (2)(a)(ii), the division shall re-examine the individual's  
2096 knowledge of the state traffic laws in English.]

2097 [(e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2098 division shall make rules establishing the procedures and requirements for the  
2099 examination of the individual's knowledge of the state traffic laws in the individual's  
2100 preferred language.]

2101 [(d)(i) Beginning on July 1, 2023, for a class D license certificate, except for a  
2102 driving privilege card issued under Section 53-3-207, the division shall administer

2103 the written knowledge examination in as many languages as reasonably possible  
2104 given budgetary and other constraints.]

2105 [(ii) If the division is unable to administer the written knowledge examination in a  
2106 particular language, an individual may take an examination with the assistance of  
2107 a translator approved by the division.]

2108 [(iii) If an individual takes the examination with the assistance of a translator, the  
2109 individual is responsible for the costs of the translator.]

2110 [(e) In order to provide the services described in Subsection (2)(d)(i), the division may  
2111 contract with a private vendor to provide the translation services or technology.]

2112 [(3)(a) For an applicant for an original or a renewal of a class D license, other than a  
2113 driving privilege card or a limited term license certificate, the division shall provide  
2114 the examination of an individual's knowledge of the state traffic laws in five  
2115 commonly spoken languages in the state, other than English, as determined under  
2116 Subsection (3)(e).]

2117 [(b) An applicant for an original or a renewal of a class D license, other than a driving  
2118 privilege card or a limited term license certificate, may request to take the  
2119 examination of the individual's knowledge of the state traffic laws in a language other  
2120 than English, if the requested language is one of five commonly spoken languages  
2121 in the state as determined under Subsection (3)(e).]

2122 [(e)(i) The Division of Multicultural Affairs created in Section 9-21-201 shall  
2123 recommend five commonly spoken languages in the state, other than English,  
2124 for examination of an individual's knowledge of the state traffic laws.]

2125 [(ii) The division shall offer the examination of an individual's knowledge of the state  
2126 traffic laws in the five commonly spoken languages, other than English,  
2127 recommended by the Division of Multicultural Affairs created in Section 9-21-201.]

2128 (2) The division may offer the examination of the individual's knowledge of the state traffic  
2129 laws only in English.

2130 [(4)] (3) The division shall determine whether any facts exist that would bar granting a  
2131 license under Section 53-3-204.

2132 [(5)] (4) The division shall examine each applicant according to the class of license [applied  
2133 for] for which the applicant has applied.

2134 [(6)] (5) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform  
2135 Commercial Driver License Act, of this chapter.

2136 [(7) The division shall provide a report to the Transportation Interim Committee on or

2137 before October 1, 2023, regarding the written knowledge examination in languages other  
2138 than English, including:]

2139 [(a) costs associated with the program;]

2140 [(b) the number of languages provided;]

2141 [(c) the likelihood of adding additional languages in the future; and]

2142 [(d) other information the division finds relevant.]

2143 Section 14. Section **53-3-207** is amended to read:

2144 **53-3-207 (Effective 07/01/27). License certificates issued to drivers by class of**  
2145 **motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses**  
2146 **-- Minors' licenses, cards, and permits -- Violation.**

2147 (1) As used in this section:

2148 (a) "Authorized guardian" means:

2149 (i) the parent or legal guardian of a child who:

2150 (A) is under 18 years old; and

2151 (B) has an invisible condition; or

2152 (ii) the legal guardian or conservator of an adult who:

2153 (A) is 18 years old or older; and

2154 (B) has an invisible condition.

2155 (b) "Driving privilege" means the privilege granted under this chapter to drive a motor  
2156 vehicle.

2157 (c) "First responder" means:

2158 (i) a law enforcement officer, as defined in Section 53-13-103;

2159 (ii) an emergency medical technician, as defined in Section 53-2e-101;

2160 (iii) an advanced emergency medical technician, as defined in Section 53-2e-101;

2161 (iv) a paramedic, as defined in Section 53-2e-101;

2162 (v) a firefighter, as defined in Section 53H-11-306; or

2163 (vi) a dispatcher, as defined in Section 53-6-102.

2164 (d) "Governmental entity" means the state or a political subdivision of the state.

2165 (e) "Health care professional" means:

2166 (i) a licensed physician, physician assistant, nurse practitioner, or mental health  
2167 therapist; or

2168 (ii) any other licensed health care professional the division designates by rule made in  
2169 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2170 (f) "Invisible condition" means a physical or mental condition that may interfere with an

2171 individual's ability to communicate with a first responder, including:

- 2172 (i) a communication impediment;
- 2173 (ii) hearing loss;
- 2174 (iii) blindness or a visual impairment;
- 2175 (iv) autism spectrum disorder;
- 2176 (v) a drug allergy;
- 2177 (vi) Alzheimer's disease or dementia;
- 2178 (vii) post-traumatic stress disorder;
- 2179 (viii) traumatic brain injury;
- 2180 (ix) schizophrenia;
- 2181 (x) epilepsy;
- 2182 (xi) a developmental disability;
- 2183 (xii) Down syndrome;
- 2184 (xiii) diabetes;
- 2185 (xiv) a heart condition; or
- 2186 (xv) any other condition approved by the department.

2187 (g) "Invisible condition identification symbol" means a symbol or alphanumeric code  
2188 that indicates that an individual is an individual with an invisible condition.

2189 (h) "Political subdivision" means any county, city, town, school district, public transit  
2190 district, community reinvestment agency, special improvement or taxing district,  
2191 special district, special service district, an entity created by an interlocal agreement  
2192 adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
2193 governmental subdivision or public corporation.

2194 (i) "State" means this state, and includes any office, department, agency, authority,  
2195 commission, board, institution, hospital, college, university, children's justice center,  
2196 or other instrumentality of the state.

2197 (2)(a) The division shall issue to every individual privileged to drive a motor vehicle, a  
2198 regular license certificate, or a limited-term license certificate[~~, or a driving privilege~~  
2199 ~~card~~] indicating the type or class of motor vehicle the individual may drive.

2200 (b) An individual may not drive a class of motor vehicle unless granted the privilege in  
2201 that class.

2202 (3)(a) Every regular license certificate[,] or limited-term license certificate[~~, or driving~~  
2203 ~~privilege card~~] shall bear:

- 2204 (i) the distinguishing number assigned to the individual by the division;

2205 (ii) the name, birth date, and Utah residence address of the individual;  
2206 (iii) a brief description of the individual for the purpose of identification;  
2207 (iv) any restrictions imposed on the license under Section 53-3-208;  
2208 (v) a photograph of the individual;  
2209 (vi) a photograph or other facsimile of the individual's signature;  
2210 (vii) an indication whether the individual intends to make an anatomical gift under  
2211 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, unless the  
2212 driving privilege is extended under Subsection 53-3-214(3); and  
2213 (viii) except as provided in Subsection (3)(b), if the individual states that the  
2214 individual is a veteran of the United States military on the application for a driver  
2215 license in accordance with Section 53-3-205 and provides verification that the  
2216 individual was granted an honorable or general discharge from the United States  
2217 Armed Forces, an indication that the individual is a United States military veteran  
2218 for a regular license certificate or limited-term license certificate issued on or after  
2219 July 1, 2011.

2220 (b) A regular license certificate or limited-term license certificate issued to an individual  
2221 younger than 21 years old on a portrait-style format as required in Subsection (7)(b)  
2222 is not required to include an indication that the individual is a United States military  
2223 veteran under Subsection (3)(a)(viii).

2224 (c) A new license certificate issued by the division may not bear the individual's social  
2225 security number.

2226 (d)(i) The regular license certificate[,-] or limited-term license certificate[,-~~or driving~~  
2227 ~~privilege card~~] shall be of an impervious material, resistant to wear, damage, and  
2228 alteration.

2229 (ii) The size, form, and color of the regular license certificate[,-] or limited-term  
2230 license certificate[,-~~or driving privilege card~~] shall be as prescribed by the  
2231 commissioner.

2232 (iii) The commissioner may also prescribe the issuance of a special type of limited  
2233 regular license certificate[,-] or limited-term license certificate[,-~~or driving~~  
2234 ~~privilege card~~] under Subsection 53-3-220(4).

2235 (4)(a) The division shall include or affix an invisible condition identification symbol on  
2236 an individual's regular license certificate[,-] or limited-term license certificate[,-~~or~~  
2237 ~~driving privilege card~~] if the individual or the individual's authorized guardian, on a  
2238 form prescribed by the department:

2239 (i) requests the division to include the invisible condition identification symbol;

2240 (ii) provides written verification from a health care professional that the individual is

2241 an individual with an invisible condition; and

2242 (iii) signs a waiver of liability for the release of any medical information to:

2243 (A) the department;

2244 (B) any person who has access to the individual's medical information as recorded

2245 on the individual's driving record or the Utah Criminal Justice Information

2246 System under this chapter;

2247 (C) any other person who may view or receive notice of the individual's medical

2248 information by seeing the individual's regular license certificate[,] or

2249 limited-term license certificate[~~, or driving privilege card~~] or the individual's

2250 information in the Utah Criminal Justice Information System;

2251 (D) a local law enforcement agency that receives a copy of the form described in

2252 this Subsection (4)(a) and enters the contents of the form into the local law

2253 enforcement agency's record management system or computer-aided dispatch

2254 system; and

2255 (E) a dispatcher who accesses the information regarding the individual's invisible

2256 condition through the use of a local law enforcement agency's record

2257 management system or computer-aided dispatch system.

2258 (b) As part of the form described in Subsection (4)(a), the department shall advise the

2259 individual or the individual's authorized guardian that by submitting the signed

2260 waiver, the individual or the individual's authorized guardian consents to the release

2261 of the individual's medical information to any person described in Subsections

2262 (4)(a)(iii)(A) through (E), even if the person is otherwise ineligible to access the

2263 individual's medical information under state or federal law.

2264 (c) The division may not:

2265 (i) charge a fee to include the invisible condition identification symbol on the

2266 individual's regular license certificate[,] or limited-term license certificate[~~, or~~

2267 ~~driving privilege card~~]; or

2268 (ii) after including the invisible condition identification symbol on the individual's

2269 previously issued regular license certificate[,] or limited-term license certificate, [~~, or driving privilege card,~~ ] require the individual to provide subsequent written

2270 verification described in Subsection (4)(a)(ii) to include the invisible condition

2271 identification symbol on the individual's renewed or extended regular license

2272

2273 certificate[,] or limited-term license certificate[~~, or driving privilege card~~].

2274 (d) The division shall confirm with the Division of Professional Licensing that the health  
2275 care professional described in Subsection (4)(a)(ii) holds a current state license.

2276 (e) The inclusion of an invisible condition identification symbol on an individual's  
2277 license certificate[,] or limited-term license certificate[~~, or driving privilege card~~] in  
2278 accordance with Subsection (4)(a) does not confer any legal rights or privileges on  
2279 the individual, including parking privileges for individuals with disabilities under  
2280 Section 41-1a-414.

2281 (f) For each individual issued a regular license certificate[,] or limited-term license  
2282 certificate[~~, or driving privilege card~~] under this section that includes an invisible  
2283 condition identification symbol, the division shall include in the division's database a  
2284 brief description of the nature of the individual's invisible condition in the  
2285 individual's record and provide the brief description to the Utah Criminal Justice  
2286 Information System.

2287 (g) Except as provided in this section, the division may not release the information  
2288 described in Subsection (4)(f).

2289 (h) Within 30 days after the day on which the division receives an individual's or the  
2290 individual's authorized guardian's written request, the division shall:

2291 (i) remove from the individual's record in the division's database the invisible  
2292 condition identification symbol and the brief description described in Subsection  
2293 (4)(f); and  
2294 (ii) provide the individual's updated record to the Utah Criminal Justice Information  
2295 System.

2296 (5) As provided in Section 63G-2-302, the information described in Subsection (4)(a) is a  
2297 private record for purposes of Title 63G, Chapter 2, Government Records Access and  
2298 Management Act.

2299 (6)(a)(i) The division, upon determining after an examination that an applicant is  
2300 mentally and physically qualified to be granted a driving privilege, may issue to  
2301 an applicant a receipt for the fee if the applicant is eligible for a regular license  
2302 certificate or limited-term license certificate.

2303 (ii)(A) The division shall issue a temporary regular license certificate or  
2304 temporary limited-term license certificate allowing the individual to drive a  
2305 motor vehicle while the division is completing the division's investigation to  
2306 determine whether the individual is entitled to be granted a driving privilege.

2307 (B) A temporary regular license certificate or a temporary limited-term license  
2308 certificate issued under this Subsection (6) shall be recognized and have the  
2309 same rights and privileges as a regular license certificate or a limited-term  
2310 license certificate.

2311 (b) The temporary regular license certificate or temporary limited-term license  
2312 certificate shall be in the individual's immediate possession while driving a motor  
2313 vehicle, and the temporary regular license certificate or temporary limited-term  
2314 license certificate is invalid when the individual's regular license certificate or  
2315 limited-term license certificate has been issued or when, for good cause, the privilege  
2316 has been refused.

2317 (c) The division shall indicate on the temporary regular license certificate or temporary  
2318 limited-term license certificate a date after which the temporary regular license  
2319 certificate or temporary limited-term license certificate is not valid as a temporary  
2320 license.

2321 [(d)(i) Except as provided in Subsection (6)(d)(ii), the division may not issue a  
2322 temporary driving privilege card or other temporary permit to an applicant for a  
2323 driving privilege card.]

2324 [(ii) The division may issue a learner permit issued in accordance with Section  
2325 53-3-210.5 to an applicant for a driving privilege card.]

2326 (7)(a) The division shall distinguish learner permits, temporary permits, regular license  
2327 certificates, and limited-term license certificates[, and driving privilege cards]  
2328 issued to any individual younger than 21 years old by use of plainly printed  
2329 information or the use of a color or other means not used for other regular license  
2330 certificates, or limited-term license certificates[, or driving privilege cards].

2331 (b) The division shall distinguish a regular license certificate[, or limited-term license  
2332 certificate[, or driving privilege card] issued to an individual younger than 21 years  
2333 old by use of a portrait-style format not used for other regular license certificates[, or  
2334 limited-term license certificates[, or driving privilege cards] and by plainly printing  
2335 the date the regular license certificate[, or limited-term license certificate[, or driving  
2336 privilege card] holder is 21 years old.

2337 (8) The division shall distinguish a limited-term license certificate by clearly indicating on  
2338 the document:

2339 (a) that the limited-term license certificate is temporary; and  
2340 (b) the limited-term license certificate's expiration date.

2341 [§9](a) The division shall only issue a driving privilege card to an individual whose  
2342 privilege was obtained without providing evidence of lawful presence in the United  
2343 States as required under Subsection 53-3-205(8).]

2344 [§b) The division shall distinguish a driving privilege card from a license certificate by:]  
2345 [§i) use of a format, color, font, or other means; and]  
2346 [§ii) clearly displaying on the front of the driving privilege card a phrase substantially  
2347 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR  
2348 IDENTIFICATION".]

2349 [§10] (9) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary  
2350 permit, temporary regular license certificate, temporary limited-term license certificate,  
2351 or any other temporary permit.

2352 [§11] (10) The division shall issue temporary license certificates of the same nature, except  
2353 as to duration, as the license certificates that they temporarily replace, as are necessary  
2354 to implement applicable provisions of this section and Section 53-3-223.

2355 [§12](a) A governmental entity may not accept a driving privilege card as proof of  
2356 personal identification.]

2357 [§b) A driving privilege card may not be used as a document providing proof of an  
2358 individual's age for any government required purpose.]

2359 [§13] (11) An individual who violates Subsection (2)(b) is guilty of an infraction.

2360 [§14] (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,  
2361 fees, restrictions, and sanctions under this code apply to a[:]  
2362 [§a) driving privilege in the same way as a license or limited-term license issued under  
2363 this chapter; and]  
2364 [§b) limited-term license certificate [or driving privilege card] in the same way as a  
2365 regular license certificate issued under this chapter.

2366 Section 15. Section **53-3-214** is amended to read:

2367 **53-3-214 (Effective 07/01/27). Renewal -- Fees required -- Extension without  
2368 examination.**

2369 (1)(a) The holder of a valid license may renew the holder's license and any endorsement  
2370 to the license by applying:  
2371 (i) at any time within six months before the license expires; or  
2372 (ii) more than six months prior to the expiration date if the applicant furnishes proof  
2373 that the applicant will be absent from the state during the six-month period prior to  
2374 the expiration of the license.

2375 (b) The application for a renewal of, extension of, or any endorsement to a license shall  
2376 be accompanied by a fee under Section 53-3-105.

2377 (2)(a) Except as provided under Subsections (2)(b) and (3), upon application for renewal  
2378 of a regular license certificate, provisional license, and any endorsement to a regular  
2379 license certificate, the division shall reexamine each applicant as if for an original  
2380 license and endorsement to the license, if applicable.

2381 (b) Except as provided under Subsection (2)(c), upon application for renewal of a  
2382 limited-term license certificate, limited-term provisional license certificate, and any  
2383 endorsement to a limited-term license certificate, the division shall:

2384 (i) reexamine each applicant as if for an original limited-term license certificate and  
2385 endorsement to the limited-term license certificate, if applicable; and  
2386 (ii) verify through valid documentary evidence that the status by which the individual  
2387 originally qualified for the limited-term license certificate has been extended by  
2388 the United States Citizenship and Immigration Services or other authorized  
2389 agency of the United States Department of Homeland Security.

2390 (c) The division may waive any or all portions of the test designed to demonstrate the  
2391 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

2392 (3)(a)(i) Except as provided under Subsections (3)(b) and (c), the division may renew  
2393 or extend a regular license certificate or any endorsement to the regular license  
2394 certificate for eight years without examination for licensees whose driving records  
2395 for the eight years immediately preceding the determination of eligibility for  
2396 extension show:

2397 (A) no suspensions;  
2398 (B) no revocations;  
2399 (C) no conviction for reckless driving under Section 41-6a-528; and  
2400 (D) no more than six reportable violations in the preceding eight years.

2401 (ii) Except as provided under Subsections (3)(b) and (c), the division may renew or  
2402 extend a provisional license and any endorsement to a provisional license for eight  
2403 years without examination for licensees whose driving records for the five years  
2404 immediately preceding the determination of eligibility for extension show:

2405 (A) no suspensions;  
2406 (B) no revocations;  
2407 (C) no conviction for reckless driving under Section 41-6a-528; and  
2408 (D) no more than four reportable violations in the preceding five years.

2409 (iii) Except as provided under Subsections (3)(b) and (c), the division may renew or  
2410 extend a limited term license and any endorsement to a limited term license for  
2411 five years without examination for licensees whose driving records for the five  
2412 years immediately preceding the determination of eligibility for extension show:  
2413 (A) no suspensions;  
2414 (B) no revocations;  
2415 (C) no conviction for reckless driving under Section 41-6a-528; and  
2416 (D) no more than four reportable violations in the preceding five years.

2417 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license  
2418 certificate, a new regular license certificate and any endorsement to a regular license  
2419 certificate may not be issued until the person has again passed the tests under Section  
2420 53-3-206 and paid the required fee.

2421 (c) After the expiration of a limited-term license certificate, a new limited-term license  
2422 certificate and any endorsement to a limited-term license certificate may not be  
2423 issued until the person has:  
2424 (i) again passed the tests under Section 53-3-206 and paid the required fee; and  
2425 (ii) presented documentary evidence that the status by which the individual originally  
2426 qualified for the limited-term license certificate has been extended by the United  
2427 States Citizenship and Immigration Services or other authorized agency of the  
2428 United States Department of Homeland Security.

2429 (d) A person 65 years ~~of age~~ old or older shall take and pass the eye examination  
2430 specified in Section 53-3-206.

2431 (e) An extension may not be granted to any person:  
2432 (i) who is identified by the division as having a medical impairment that may  
2433 represent a hazard to public safety;  
2434 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial  
2435 Driver License Act; or  
2436 (iii) who is holding a limited-term license certificate~~[-or]~~ .  
2437 ~~(iv) who is holding a driving privilege card issued in accordance with Section~~  
2438 ~~53-3-207.]~~

2439 (f) The division shall allow extensions:  
2440 (i) by mail, electronic means, or other means as determined by the division at the  
2441 appropriate extension fee rate under Section 53-3-105;  
2442 (ii) only if the applicant qualifies under this section; and

2443 (iii) for only one extension.

2444 (g) The division may waive any or all portions of the test designed to demonstrate the  
2445 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

2446 (4) In accordance with this section, the division shall coordinate with the Department of  
2447 Corrections in providing an inmate with access to a driver license certificate as  
2448 described in Section 64-13-10.6.

2449 Section 16. Section **53-3-221** is amended to read:

2450 **53-3-221 (Effective 07/01/27). Offenses that may result in denial, suspension,  
2451 disqualification, or revocation of license -- Additional grounds for suspension -- Point  
2452 system for traffic violations -- Notice and hearing -- Reporting of traffic violation  
2453 procedures.**

2454 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act,  
2455 the division may deny, suspend, disqualify, or revoke the license or permit of any  
2456 individual without receiving a record of the individual's conviction of crime when the  
2457 division has been notified or has reason to believe the individual:

2458 (a) has committed any offenses for which mandatory suspension or revocation of a  
2459 license is required upon conviction under Section 53-3-220;

2460 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an  
2461 accident resulting in death or injury to any other individual, or serious property  
2462 damage;

2463 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or  
2464 physical disability rendering it unsafe for the individual to drive a motor vehicle or  
2465 mobility vehicle upon the highways;

2466 (d) has committed a serious violation of the motor vehicle laws of this state;

2467 (e) has knowingly committed a violation of Section 53-3-229; or

2468 (f) has been convicted of serious offenses against traffic laws governing the movement  
2469 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a  
2470 disregard for the safety of other individuals on the highways.

2471 (2)(a)(i) Except as provided in Subsection 53-3-218(3), and subject to Subsection

2472 (2)(a)(ii), the division may suspend a license of an individual under Subsection (1):

2473 (A) when the individual has failed to comply with the terms stated on a traffic  
2474 citation issued in this state; or

2475 (B) if the division receives a notification from a court as described in Subsection  
2476 41-6a-509(11)(d) or 41-6a-517(13)(b).

2477 (ii) This Subsection (2) does not apply to highway weight limit violations or  
2478 violations of law governing the transportation of hazardous materials.

2479 (b)(i) This Subsection (2) may not be exercised unless notice of the pending  
2480 suspension of the driving privilege has been sent at least 30 days previously to the  
2481 individual at the address provided to the division.

2482 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not  
2483 contain any evidence of a suspension that occurred as a result of failure to comply  
2484 with the terms stated on a traffic citation.

2485 (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny,  
2486 suspend, or disqualify an individual's driver license based solely on:  
2487 (a) the individual's failure to appear;  
2488 (b) the individual's failure to pay an outstanding penalty accounts receivable; or  
2489 (c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a)  
2490 or (b).

2491 (4)(a) The division shall make rules establishing a point system as provided for in this  
2492 Subsection (4).

2493 (b)(i) The division shall assign a number of points to each type of moving traffic  
2494 violation as a measure of its seriousness.

2495 (ii) The points shall be based upon actual relationships between types of traffic  
2496 violations and motor vehicle traffic accidents.

2497 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points  
2498 against an individual's driving record for a conviction of a traffic violation:  
2499 (A) that occurred in another state; and  
2500 (B) that was committed on or after July 1, 2011.

2501 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:  
2502 (A) a reckless or impaired driving violation or a speeding violation for exceeding  
2503 the posted speed limit by 21 or more miles per hour; or  
2504 (B) an offense committed in another state which, if committed within Utah, would  
2505 result in the mandatory suspension or revocation of a license upon conviction  
2506 under Section 53-3-220.

2507 (c) Every individual convicted of a traffic violation shall have assessed against the  
2508 individual's driving record the number of points that the division has assigned to the  
2509 type of violation of which the individual has been convicted, except that the number  
2510 of points assessed shall be decreased by 10% if on the abstract of the court record of

2511 the conviction the court has graded the severity of violation as minimum, and shall be  
2512 increased by 10% if on the abstract the court has graded the severity of violation as  
2513 maximum.

2514 (d)(i) A separate procedure for assessing points for speeding offenses shall be  
2515 established by the division based upon the severity of the offense.  
2516 (ii) The severity of a speeding violation shall be graded as:  
2517 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;  
2518 (B) "intermediate" for exceeding the posted speed limit by 11 to 20 miles per  
2519 hour; and  
2520 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.  
2521 (iii) Consideration shall be made for assessment of no points on minimum speeding  
2522 violations, except for speeding violations in school zones.

2523 (e)(i) Points assessed against an individual's driving record shall be deleted for  
2524 violations occurring before a time limit set by the division.  
2525 (ii) The time limit may not exceed three years.  
2526 (iii) The division may also delete points to reward violation-free driving for periods  
2527 of time set by the division.

2528 (f)(i) By publication in two newspapers having general circulation throughout the  
2529 state, the division shall give notice of the number of points it has assigned to each  
2530 type of traffic violation, the time limit set by the division for the deletion of  
2531 points, and the point level at which the division will generally take action to deny  
2532 or suspend under this section.  
2533 (ii) The division may not change any of the information provided above regarding  
2534 points without first giving new notice in the same manner.

2535 (5)(a)(i) If the division finds that the license of an individual should be denied,  
2536 suspended, disqualified, or revoked under this section, the division shall  
2537 immediately notify the licensee in a manner specified by the division and afford  
2538 the individual an opportunity for a hearing in the county where the licensee  
2539 resides.  
2540 (ii) The hearing shall be documented, and the division or its authorized agent may  
2541 administer oaths, may issue subpoenas for the attendance of witnesses and the  
2542 production of relevant books and papers, and may require a reexamination of the  
2543 licensee.  
2544 (iii) One or more members of the division may conduct the hearing, and any decision

2545 made after a hearing before any number of the members of the division is as valid  
2546 as if made after a hearing before the full membership of the division.

2547 (iv) After the hearing the division shall either rescind or affirm its decision to deny,  
2548 suspend, disqualify, or revoke the license.

2549 (b) The denial, suspension, disqualification, or revocation of the license remains in  
2550 effect pending qualifications determined by the division regarding an individual:

2551 (i) whose license has been denied or suspended following reexamination;  
2552 (ii) who is incompetent to drive a motor vehicle;

2553 (iii) who is afflicted with mental or physical infirmities that might make the  
2554 individual dangerous on the highways; or

2555 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle  
2556 safely.

2557 (6)(a) Subject to Subsection (6)(d), the division shall suspend an individual's license  
2558 when the division receives notice from the Office of Recovery Services that the  
2559 Office of Recovery Services has ordered the suspension of the individual's license.

2560 (b) A suspension under Subsection (6)(a) shall remain in effect until the division  
2561 receives notice from the Office of Recovery Services that the Office of Recovery  
2562 Services has rescinded the order of suspension.

2563 (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized  
2564 by Section 53-3-104 may not contain any evidence of the suspension.

2565 (d)(i) If the division suspends an individual's license under this Subsection (6), the  
2566 division shall, upon application, issue a temporary limited driver license to the  
2567 individual if that individual needs a driver license for employment, education, or  
2568 child visitation.

2569 (ii) The temporary limited driver license described in this section:

2570 (A) shall provide that the individual may operate a motor vehicle only for the  
2571 purpose of driving to or from the individual's place of employment, education,  
2572 or child visitation;

2573 (B) shall prohibit the individual from driving a motor vehicle for any purpose  
2574 other than a purpose described in Subsection (6)(d)(ii)(A); and

2575 (C) shall expire 90 days after the day on which the temporary limited driver  
2576 license is issued.

2577 (iii)(A) During the period beginning on the day on which a temporary limited  
2578 driver license is issued under this Subsection (6), and ending on the day that

2579 the temporary limited driver license expires, the suspension described in this  
2580 Subsection (6) only applies if the individual who is suspended operates a motor  
2581 vehicle for a purpose other than employment, education, or child visitation.

2582 (B) Upon expiration of a temporary limited driver license described in this  
2583 Subsection (6)(d):

2584 (I) a suspension described in Subsection (6)(a) shall be in full effect until the  
2585 division receives notice, under Subsection (6)(b), that the order of  
2586 suspension is rescinded; and  
2587 (II) an individual suspended under Subsection (6)(a) may not drive a motor  
2588 vehicle for any reason.

2589 (iv) The division is not required to issue a limited driver license to an individual  
2590 under this Subsection (6)(d) if there are other legal grounds for the suspension of  
2591 the individual's driver license.

2592 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2593 Administrative Rulemaking Act, to implement the provisions of this part.

2594 (7)(a) The division may suspend or revoke the license of any resident of this state upon  
2595 receiving notice of the conviction of that individual in another state of an offense  
2596 committed there that, if committed in this state, would be grounds for the suspension  
2597 or revocation of a license.

2598 (b) The division may, upon receiving a record of the conviction in this state of a  
2599 nonresident driver of a motor vehicle or motorboat of any offense under the motor  
2600 vehicle laws of this state, forward a certified copy of the record to the motor vehicle  
2601 administrator in the state where the individual convicted is a resident.

2602 (8)(a) The division may suspend or revoke the license of any nonresident to drive a  
2603 motor vehicle in this state for any cause for which the license of a resident driver may  
2604 be suspended or revoked.

2605 (b) Any nonresident who drives a motor vehicle upon a highway when the individual's  
2606 license has been suspended or revoked by the division is guilty of a class C  
2607 misdemeanor.

2608 (9)(a) The division may not deny or suspend the license of any individual for a period of  
2609 more than one year except:

2610 (i) for failure to comply with the terms of a traffic citation under Subsection (2);  
2611 (ii) upon receipt of a second or subsequent order suspending juvenile driving  
2612 privileges under Section 53-3-219;

2613 (iii) when extending a denial or suspension upon receiving certain records or reports  
2614 under Subsection 53-3-220(2);

2615 (iv) for failure to give and maintain owner's or operator's security under Section  
2616 41-12a-411;

2617 (v) when the division suspends the license under Subsection (6); or  
2618 (vi) when the division denies the license under Subsection (14).

2619 (b) The division may suspend the license of an individual under Subsection (2) until the  
2620 individual shows satisfactory evidence of compliance with the terms of the traffic  
2621 citation.

2622 (10)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
2623 Act, the division may suspend the license of any individual without receiving a  
2624 record of the individual's conviction for a crime when the division has reason to  
2625 believe that the individual's license was granted by the division through error or fraud  
2626 or that the necessary consent for the license has been withdrawn or is terminated.

2627 (b) The procedure upon suspension is the same as under Subsection (5), except that after  
2628 the hearing the division shall either rescind its order of suspension or cancel the  
2629 license.

2630 (11)(a) The division, having good cause to believe that a licensed driver is incompetent  
2631 or otherwise not qualified to be licensed, may upon notice in a manner specified by  
2632 the division of at least five days to the licensee require the licensee to submit to an  
2633 examination.

2634 (b) Upon the conclusion of the examination the division may suspend or revoke the  
2635 individual's license, permit the individual to retain the license, or grant a license  
2636 subject to a restriction imposed in accordance with Section 53-3-208.

2637 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
2638 suspension or revocation of the licensee's license.

2639 (12)(a) Except as provided in Subsection (12)(b), a report authorized by Section  
2640 53-3-104 may not contain any evidence of a conviction for speeding on an interstate  
2641 system in this state if the conviction was for a speed of 10 miles per hour or less,  
2642 above the posted speed limit and did not result in an accident, unless authorized in a  
2643 manner specified by the division by the individual whose report is being requested.

2644 (b) The provisions of Subsection (12)(a) do not apply for:

2645 (i) a CDIP or CDL license holder; or

2646 (ii) a violation that occurred in a commercial motor vehicle.

2647 (13)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
2648 Act, the division may suspend the license of an individual if it has reason to believe  
2649 that the individual is the owner of a motor vehicle for which security is required  
2650 under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and  
2651 Operators Act, and has driven the motor vehicle or permitted it to be driven within  
2652 this state without the security being in effect.  
2653 ~~[(b) The division may suspend a driving privilege card holder's driving privilege  
2654 card if the division receives notification from the Motor Vehicle Division that:]~~  
2655 ~~[(i) the driving privilege card holder is the registered owner of a vehicle; and]~~  
2656 ~~[(ii) the driving privilege card holder's vehicle registration has been revoked under  
2657 Subsection 41-1a-110(2)(a)(ii)(A).]~~  
2658 ~~[(e)] (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's  
2659 security applies to individuals whose driving privileges are suspended under this  
2660 Subsection (13).~~

2661 (14) The division may deny an individual's license if the individual fails to comply with the  
2662 requirement to downgrade the individual's CDL to a class D license under Section  
2663 53-3-409 or 53-3-410.1.  
2664 (15) The division may deny an individual's class A, B, C, or D license if the individual fails  
2665 to comply with the requirement to have a K restriction removed from the individual's  
2666 license.  
2667 (16) Any suspension or revocation of an individual's license under this section also  
2668 disqualifies any license issued to that individual under Part 4, Uniform Commercial  
2669 Driver License Act.

2670 Section 17. Section **53-3-236** is amended to read:

2671 **53-3-236 (Effective 07/01/27). Interdicted person identifier -- License notation.**

2672 (1) If the division receives a notification from a court as provided in Section 41-6a-505,  
2673 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the  
2674 division:  
2675 (a)(i) may accept an application from the individual for a duplicate license that  
2676 includes an interdicted person identifier; and  
2677 (ii) if the individual submits an application and qualifies for a license certificate, may  
2678 provide a license certificate with the interdicted person identifier; or  
2679 (b)(i) may accept an application from the individual for a renewal of a license or an  
2680 original license with an interdicted person identifier; and

2681 (ii) if the individual submits an application and qualifies for a license certificate, may  
2682 provide a license certificate with an interdicted person identifier.

2683 (2) The division may not provide to an individual a license certificate without the  
2684 interdicted person identifier during the time period the court has designated the person  
2685 as an interdicted person.

2686 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or  
2687 renewal of a license that includes an interdicted person identifier.

2688 (b) An individual that voluntarily applies for a duplicate license, original license, or  
2689 renewal of a license with an interdicted person identifier may not apply for another  
2690 duplicate license, original license, or renewal of a license without the interdicted  
2691 person identifier for at least 30 days after the application for the license certificate  
2692 with the interdicted person identifier.

2693 (4) An individual may not hold a license certificate with an interdicted person identifier  
2694 while also holding another license certificate.

2695 (5) The division may charge an administrative fee as described in Subsection [53-3-105(40)]  
2696 53-3-105(38) to an individual to process and provide a license certificate with an  
2697 interdicted person identifier.

2698 (6) An individual who is designated as an interdicted person by a court is subject to the  
2699 duplicate license fee and other fees necessary to administer the license certificate with  
2700 the interdicted person identifier.

2701 Section 18. Section **53-5a-602** is amended to read:

2702 **53-5a-602 (Effective 07/01/27). Criminal background check prior to purchase of**  
2703 **a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement**  
2704 **officers.**

2705 (1)[(a)] To establish personal identification and residence in this state for purposes of  
2706 this part, a dealer shall require an individual receiving a firearm to present one photo  
2707 identification on a form issued by a governmental agency of the state.

2708 [(b) ~~A dealer may not accept a driving privilege card issued under Section 53-3-207~~  
2709 ~~as proof of identification for the purpose of establishing personal identification and~~  
2710 ~~residence in this state as required under this Subsection (1).]~~]

2711 (2)(a) A criminal history background check is required for the sale of a firearm by a  
2712 licensed firearm dealer in the state.

2713 (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms  
2714 Licensee.

2715 (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a  
2716 criminal background check, on a form provided by the bureau.  
2717 (b) The form shall contain the following information:  
2718 (i) the dealer identification number;  
2719 (ii) the name and address of the individual receiving the firearm;  
2720 (iii) the date of birth, height, weight, eye color, and hair color of the individual  
2721 receiving the firearm; and  
2722 (iv) the social security number or any other identification number of the individual  
2723 receiving the firearm.

2724 (4)(a) The dealer shall send the information required by Subsection (3) to the bureau  
2725 immediately upon its receipt by the dealer.  
2726 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
2727 provided the bureau with the information in Subsection (3) and has received approval  
2728 from the bureau under Subsection (6).

2729 (5) The dealer shall make a request for criminal history background information by  
2730 telephone or other electronic means to the bureau and shall receive approval or denial of  
2731 the inquiry by telephone or other electronic means.

2732 (6) When the dealer calls for or requests a criminal history background check, the bureau  
2733 shall:  
2734 (a) review the criminal history files, including juvenile court records, and the temporary  
2735 restricted file created under Section 53-5a-504, to determine if the individual is  
2736 prohibited from purchasing, possessing, or transferring a firearm by state or federal  
2737 law;  
2738 (b) inform the dealer that:  
2739 (i) the records indicate the individual is prohibited; or  
2740 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;  
2741 (c) provide the dealer with a unique transaction number for that inquiry; and  
2742 (d) provide a response to the requesting dealer during the call for a criminal background  
2743 check, or by return call, or other electronic means, without delay, except in case of  
2744 electronic failure or other circumstances beyond the control of the bureau, the bureau  
2745 shall advise the dealer of the reason for the delay and give the dealer an estimate of  
2746 the length of the delay.

2747 (7)(a) The bureau may not maintain any records of the criminal history background  
2748 check longer than 20 days from the date of the dealer's request, if the bureau

2749 determines that the individual receiving the firearm is not prohibited from  
2750 purchasing, possessing, or transferring the firearm under state or federal law.

2751 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
2752 firearms number, the transaction number, and the transaction date for a period of 12  
2753 months.

2754 (8)(a) If the criminal history background check discloses information indicating that the  
2755 individual attempting to purchase the firearm is prohibited from purchasing,  
2756 possessing, or transferring a firearm, the bureau shall:

2757 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,  
2758 possessing, or transferring a firearm, notify the law enforcement agency in the  
2759 jurisdiction where the dealer is located; and  
2760 (ii) inform the law enforcement agency in the jurisdiction where the individual  
2761 resides.

2762 (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a  
2763 firearm solely due to placement on the temporary restricted list under Section  
2764 53-5a-504.

2765 (c) A law enforcement agency that receives information from the bureau under  
2766 Subsection (8)(a) shall provide a report before August 1 of each year to the bureau  
2767 that includes:

2768 (i) based on the information the bureau provides to the law enforcement agency under  
2769 Subsection (8)(a), the number of cases that involve an individual who is  
2770 prohibited from purchasing, possessing, or transferring a firearm as a result of a  
2771 conviction for an offense involving domestic violence; and  
2772 (ii) of the cases described in Subsection (8)(c)(i):  
2773 (A) the number of cases the law enforcement agency investigates; and  
2774 (B) the number of cases the law enforcement agency investigates that result in a  
2775 criminal charge.

2776 (d) The bureau shall:

2777 (i) compile the information from the reports described in Subsection (8)(c);  
2778 (ii) omit or redact any identifying information in the compilation; and  
2779 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim  
2780 Committee before November 1 of each year.

2781 (9) If an individual is denied the right to purchase a firearm under this section, the  
2782 individual may review the individual's criminal history information and may challenge

2783 or amend the information as provided in Section 53-10-108.

2784 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
2785 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of  
2786 all records provided by the bureau under this part are in conformance with the  
2787 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107  
2788 Stat. 1536 (1993).

2789 (11)(a) A dealer shall collect a criminal history background check fee for the sale of a  
2790 firearm under this section.

2791 (b) The fee described under Subsection (11)(a) remains in effect until changed by the  
2792 bureau through the process described in Section 63J-1-504.

2793 (c)(i) The dealer shall forward at one time all fees collected for criminal history  
2794 background checks performed during the month to the bureau by the last day of  
2795 the month following the sale of a firearm.

2796 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to  
2797 cover the cost of administering and conducting the criminal history background  
2798 check program.

2799 (12)(a) An individual with a concealed firearm permit issued under Section 53-5a-303 or  
2800 a provisional concealed firearm permit issued under Section 53-5a-304 is exempt  
2801 from the background check and corresponding fee required in this section for the  
2802 purchase of a firearm if:

2803 (i) the individual presents the individual's concealed firearm permit to the dealer prior  
2804 to purchase of the firearm; and  
2805 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit  
2806 is valid.

2807 (b) An individual with a temporary permit to carry a concealed firearm issued under  
2808 Section 53-5a-305 is not exempt from a background check and the corresponding fee  
2809 required in this section for the purchase of a firearm.

2810 (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the  
2811 background check fee required in this section for the purchase of a personal firearm  
2812 to be carried while off-duty if the law enforcement officer verifies current  
2813 employment by providing a letter of good standing from the officer's commanding  
2814 officer and current law enforcement photo identification.

2815 (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a  
2816 personal firearm once in a 24-month period.

2817 (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm  
2818 shall:  
2819 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to  
2820 a customer free of charge; and  
2821 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under  
2822 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,  
2823 short barreled rifle, rifle, or another firearm that federal law does not require be  
2824 accompanied by a gun lock at the time of purchase.

2825 Section 19. Section **53-10-202** is amended to read:

2826 **53-10-202 (Effective 07/01/27). Criminal identification -- Duties of bureau.**

2827 The bureau shall:

2828 (1) procure and file information relating to identification and activities of persons who:  
2829 (a) are fugitives from justice;  
2830 (b) are wanted or missing;  
2831 (c) have been arrested for or convicted of a crime under the laws of any state or nation;  
2832 and  
2833 (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;  
2834 (2) establish a statewide uniform crime reporting system that shall include:  
2835 (a) statistics concerning general categories of criminal activities;  
2836 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,  
2837 religion, ancestry, national origin, ethnicity, or other categories that the division finds  
2838 appropriate;  
2839 (c) statistics concerning the use of force by law enforcement officers in accordance with  
2840 the Federal Bureau of Investigation's standards; and  
2841 (d) other statistics required by the Federal Bureau of Investigation;  
2842 (3) make a complete and systematic record and index of the information obtained under this  
2843 part;  
2844 (4) subject to the restrictions in this part, establish policy concerning the use and  
2845 dissemination of data obtained under this part;  
2846 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of  
2847 crime in Utah;  
2848 (6) establish a statewide central register for the identification and location of missing  
2849 persons, which may include:  
2850 (a) identifying data including fingerprints of each missing person;

2851 (b) identifying data of any missing person who is reported as missing to a law  
2852 enforcement agency having jurisdiction;

2853 (c) dates and circumstances of any persons requesting or receiving information from the  
2854 register; and

2855 (d) any other information, including blood types and photographs found necessary in  
2856 furthering the purposes of this part;

2857 (7) publish a quarterly directory of missing persons for distribution to persons or entities  
2858 likely to be instrumental in the identification and location of missing persons;

2859 (8) list the name of every missing person with the appropriate nationally maintained  
2860 missing persons lists;

2861 (9) establish and operate a 24-hour communication network for reports of missing persons  
2862 and reports of sightings of missing persons;

2863 (10) coordinate with the National Center for Missing and Exploited Children and other  
2864 agencies to facilitate the identification and location of missing persons and the  
2865 identification of unidentified persons and bodies;

2866 (11) receive information regarding missing persons as provided in Sections 26B-8-130 and  
2867 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section  
2868 41-1a-1401;

2869 (12) adopt systems of identification, including the fingerprint system, to be used by the  
2870 division to facilitate law enforcement;

2871 (13) assign a distinguishing number or mark of identification to any pistol or revolver, as  
2872 provided in Section 53-5a-105;

2873 (14) check certain criminal records databases for information regarding motor vehicle  
2874 salesperson applicants, maintain a separate file of fingerprints for motor vehicle  
2875 salespersons, and inform the Motor Vehicle Enforcement Division when new entries are  
2876 made for certain criminal offenses for motor vehicle salespersons in accordance with the  
2877 requirements of Section 41-3-205.5;

2878 [15) check certain criminal records databases for information regarding driving privilege  
2879 card applicants or cardholders and maintain a separate file of fingerprints for driving  
2880 privilege applicants and cardholders and inform the federal Immigration and Customs  
2881 Enforcement Agency of the United States Department of Homeland Security when new  
2882 entries are made in accordance with the requirements of Section 53-3-205.5;]

2883 [16] (15) review and approve or disapprove applications for license renewal that meet the  
2884 requirements for renewal; and

2885 [17] (16) forward to the board those applications for renewal under Subsection [16] (15)  
2886 that do not meet the requirements for renewal.

2887 Section 20. Section **58-37c-10** is amended to read:

2888 **58-37c-10 (Effective 07/01/27). Reporting and recordkeeping.**

2889 (1) Any person who engages in a regulated transaction, unless excepted under the  
2890 provisions of Subsections 58-37c-8(3) and (4), shall submit a report with respect to such  
2891 transaction and shall maintain records of inventories in accordance with rules adopted by  
2892 the division.

2893 (2) The division shall provide reporting forms upon which regulated transactions shall be  
2894 reported.

2895 (3) The division shall furnish copies of reports of transactions under this section to  
2896 appropriate law enforcement agencies.

2897 (4) The division shall adopt rules regulating:

2898 (a) records which shall be maintained and reports which shall be submitted by regulated  
2899 distributors and regulated purchasers with respect to listed controlled substance  
2900 precursors obtained, distributed, and held in inventory;

2901 (b) records which shall be maintained and reports which shall be submitted by regulated  
2902 distributors and regulated purchasers with respect to extraordinary or unusual  
2903 regulated transactions and a requirement that in such cases the report must be  
2904 received at least three working days prior to transfer of the listed controlled substance  
2905 precursor;

2906 (c) identification which must be presented by a purchaser of any listed controlled  
2907 substance precursor before the sale or transfer can be completed and recordkeeping  
2908 requirements related to such identification presented;

2909 (d) filing by each licensee the identification of all locations where any listed controlled  
2910 substance precursor is held in inventory or stored and amending such filing when any  
2911 change in location is made;

2912 (e) reports and actions which must be taken by a regulated distributor or regulated  
2913 purchaser in the event of any theft, loss, or shortage of a listed controlled substance  
2914 precursor;

2915 (f) reports and actions which must be taken by a regulated distributor relating to a  
2916 regulated transaction with an out-of-state purchaser;

2917 (g) reports and actions which must be taken by a regulated purchaser relating to a  
2918 regulated transaction with an out-of-state distributor; and

2919 (h) regulated transactions to the extent such regulation is reasonable and necessary to  
2920 protect the public health, safety, or welfare.

2921 [ (5) A person who engages in a regulated transaction may not accept a driving privilege  
2922 card issued in accordance with Section 53-3-207 as proof of identification as required  
2923 under Subsection (4)(c). ]

2924 Section 21. Section **63G-12-205** is amended to read:

2925 **63G-12-205 (Effective 07/01/27). Eligibility criteria to obtain and maintain a  
2926 guest worker permit.**

2927 (1) To be eligible to obtain or maintain a guest worker permit, an undocumented individual  
2928 shall:

2929 (a)(i) be 18 years [of age] old or older; or

2930 (ii) if younger than 18 years [of age] old, have the permission of a parent or guardian;

2931 (b) live in Utah;

2932 (c) have worked or lived in Utah before May 10, 2011;

2933 (d) provide relevant contact information and regularly update the relevant contact  
2934 information in a manner required by rule made in accordance with Chapter 3, Utah  
2935 Administrative Rulemaking Act;

2936 (e) provide documentation of a contract for hire under which the undocumented  
2937 individual begins to provide services within at least 30 days of the day on which the  
2938 undocumented individual obtains the permit;

2939 (f)(i) agree to a criminal background check described in Subsection (3); and

2940 (ii) not have been convicted of, pled guilty to, pled no contest to, pled guilty in a  
2941 similar manner to, or resolved by diversion or its equivalent to a serious felony;

2942 (g) provide evidence satisfactory to the department that the person would not be  
2943 inadmissible for public health grounds under 8 U.S.C. Sec. 1182;

2944 (h)(i) be covered by a basic health insurance plan; or

2945 (ii) provide evidence satisfactory to the department that the undocumented individual  
2946 has no medical debt that is past due and agrees to have no medical debt that is past  
2947 due during the term of the permit; and

2948 (i)[(i) hold a driving privilege card issued in accordance with Section 53-3-207; or]

2949 [(ii)] provide evidence satisfactory to the department that the undocumented  
2950 individual will not drive a motor vehicle in the state.

2951 (2) The department may by rule made in accordance with Chapter 3, Utah Administrative  
2952 Rulemaking Act, provide for the documentation required to establish eligibility under

2953 Subsection (1). When making a rule under this section, the department shall use federal  
2954 standards as a guideline to avoid unnecessary duplication and additional costs.

2955 (3)(a) The department shall require an undocumented individual applying for a guest  
2956 worker permit, or renewing a guest worker permit, to submit to a criminal  
2957 background check as a condition of receiving or renewing the guest worker permit.

2958 (b) An undocumented individual required to submit to a criminal background check  
2959 under Subsection (3)(a), shall:

2960 (i) submit a fingerprint card in a form acceptable to the department; and

2961 (ii) consent to a fingerprint background check by:

2962 (A) the Utah Bureau of Criminal Identification; and

2963 (B) the Federal Bureau of Investigation, including the secure communities  
2964 program when possible.

2965 (c) For an undocumented individual who submits a fingerprint card and consents to a  
2966 fingerprint background check under Subsection (3)(b), the department may request:

2967 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part  
2968 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification;  
2969 and

2970 (ii) complete Federal Bureau of Investigation criminal background checks through  
2971 the national criminal history system and secure communities program.

2972 (d) Information obtained by the department from the review of criminal history records  
2973 received under this Subsection (3) shall be used by the department to determine  
2974 eligibility to obtain a permit.

2975 (e) The department shall:

2976 (i) pay to the Federal Bureau of Investigation the costs incurred by the Federal  
2977 Bureau of Investigation in providing the department criminal background  
2978 information under this Subsection (3); and

2979 (ii) in accordance with Section 63J-1-504, charge the undocumented individual  
2980 applying for the permit a fee equal to the aggregate of the costs incurred by the  
2981 department under this Subsection (3) and the amount paid under Subsection  
2982 (3)(e)(i).

2983 Section 22. Section **63G-12-401** is amended to read:

2984 **63G-12-401 (Effective 07/01/27). Creation of identity documents -- Issuance to**

2985 **citizens, nationals, and legal permanent resident aliens -- Exceptions.**

2986 (1) The following entities may create, publish, or otherwise manufacture an identification

2987 document, identification card, or identification certificate and possess an engraved plate  
2988 or other device for the printing of an identification document:

2989 (a) a federal, state, or local government agency for employee identification, which is  
2990 designed to identify the bearer as an employee;  
2991 (b) a federal, state, or local government agency for purposes authorized or required by  
2992 law or a legitimate purpose consistent with the duties of the agency, including such  
2993 documents as voter identification cards, identification cards, passports, birth  
2994 certificates, and Social Security cards; and  
2995 (c) a public school or state or private educational institution to identify the bearer as an  
2996 administrator, faculty member, student, or employee.

2997 (2) The name of the issuing entity shall be clearly printed upon the face of the identification  
2998 document.

2999 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity  
3000 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall  
3001 issue the document, card, or certificate only to:

3002 (a) a United States citizen;  
3003 (b) a national; or  
3004 (c) a legal permanent resident alien.

3005 (4)(a) Subsection (3) does not apply to an applicant for an identification document who  
3006 presents, in person, valid documentary evidence of the applicant's:

3007 (i) unexpired immigrant or nonimmigrant visa status for admission into the United  
3008 States;  
3009 (ii) pending or approved application for asylum in the United States;  
3010 (iii) admission into the United States as a refugee;  
3011 (iv) pending or approved application for temporary protected status in the United  
3012 States;  
3013 (v) approved deferred action status; or  
3014 (vi) pending application for adjustment of status to legal permanent resident or  
3015 conditional resident.

3016 (b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)  
3017 identification document to an applicant who satisfies the requirements of  
3018 Subsection (4)(a).

3019 (ii) Except as otherwise provided by federal law, the document is valid only:  
3020 (A) during the period of time of the individual's authorized stay in the United

3021 States; or

3022 (B) for one year from the date of issuance if there is no definite end to the  
3023 individual's period of authorized stay.

3024 (iii) An entity issuing an identification document under this Subsection (4) shall  
3025 clearly indicate on the document:  
3026 (A) that it is temporary; and  
3027 (B) its expiration date.

3028 (c) An individual may renew a document issued under this Subsection (4) only upon  
3029 presentation of valid documentary evidence that the status by which the individual  
3030 originally qualified for the identification document has been extended by the United  
3031 States Citizenship and Immigration Services or other authorized agency of the United  
3032 States Department of Homeland Security.

3033 (5)(a) Subsection (3) does not apply to an identification document issued under  
3034 Subsection (1)(c) that:

3035 (i) is only valid for use on the educational institution's campus or facility; and  
3036 (ii) includes a statement of the restricted use conspicuously printed upon the face of  
3037 the identification document.

3038 (b) Subsection (3) does not apply to a license certificate[~~, driving privilege card,~~] or  
3039 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver  
3040 License Act.

3041 (c) Subsection (3) does not apply to a public transit pass issued by a public transit  
3042 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:  
3043 (i) is only valid for use on the public transit system; and  
3044 (ii) includes a statement of the restricted use conspicuously printed on the face of the  
3045 public transit pass.

3046 (d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.

3047 (e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot  
3048 Sponsored Resident Immigrant Program Act.

3049 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
3050 national origin.

3051 Section 23. Section **76-9-1117** is amended to read:

3052 **76-9-1117 (Effective 07/01/27). Unlawful transfer of proof of age.**

3053 (1)(a) As used in this section~~[:]~~,

3054 ~~(1)~~ **"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:
  - [I] (A) is substantially similar to an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
  - [II] (B) is issued in accordance with the laws of a state other than Utah in which the identification is issued;
  - [III] (C) includes date of birth; and
  - [IV] (D) has a picture affixed;
- [C] (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:
  - [I] (A) includes date of birth; and
  - [II] (B) has a picture affixed; or
- [E] (v) a valid passport.

→ "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.

**This bill repeals:**

**Section 53-3-205.5, Fingerprint and photograph submission requirements for driving privilege card applicants and cardholders -- Approved private fingerprint vendor requests -- Division approval of a vendor.**

## Section 25. Effective Date.

3089 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2027.

3090 (2) The actions affecting Section 53-3-204 (Effective 05/06/26) take effect on May 6, 2026.