

1

**Immigrant Driving Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Trevor Lee**

Senate Sponsor:

2

**LONG TITLE**

3

**General Description:**

4

This bill repeals the driving privilege card program.

5

**Highlighted Provisions:**

6

This bill:

7

- ▶ repeals the driving privilege card program;
- ▶ prohibits the Driver License Division from issuing a driving privilege card on or after May 6, 2026;

8

- ▶ makes technical changes throughout the Utah Code related to the repeal of the driving privilege card program;

9

- ▶ requires law enforcement to report to the Immigration and Customs Enforcement Agency of the United States Department of Homeland Security if an individual who is unlawfully present in the United states is involved in a motor vehicle accident; and

10

- ▶ makes other technical changes.

11

**Money Appropriated in this Bill:**

12

None

13

**Other Special Clauses:**

14

This bill provides a special effective date.

15

**Utah Code Sections Affected:**

16

**AMENDS:**

17

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

18

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

19

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

20

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

21

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

22

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

H.B. 287

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

52       REPEALS:

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

---

---

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

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

57       **13-32a-102 (Effective 07/01/27). Definitions.**

58       As used in this chapter:

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

61       (2) "Antique item" means an item:  
62           (a) that is generally older than 25 years;  
63           (b) whose value is based on age, rarity, condition, craftsmanship, or collectability;  
64           (c) that is furniture or other decorative objects produced in a previous time period, as

distinguished from new items of a similar nature; and

(d) obtained from auctions, estate sales, other antique shops, and individuals.

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

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

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

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

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

(d) has the following technological functions:

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

(ii) generates a ticket; and

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

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

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

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

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

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

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

(iii) from another catalytic converter purchaser; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126 (a) is usable at:

127 (i) a single merchant; or

128 (ii) a specified group of merchants;

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

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

131 (20) "Identification" means any of the following non-expired forms of identification issued  
132 by a state government, the United States government, or a federally recognized Indian

133 tribe, if the identification includes a unique number, photograph of the bearer, and date  
134 of birth:

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

136 (b) a state-issued driver license;

137 (c) a state-issued identification card;

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

139 (e) a United States military identification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

160 (27) "Pawn transaction" means:

161 (a) an extension of credit in which an individual delivers property to a pawnbroker for  
162 an advance of money and retains the right to redeem the property for the redemption  
163 price within a fixed period of time;

164 (b) a loan of money on one or more deposits of personal property;

165 (c) the purchase, exchange, or possession of personal property on condition of selling  
166 the same property back again to the pledgor or depositor; or

167 (d) a loan or advance of money on personal property by the pawnbroker taking chattel  
168 mortgage security on the personal property, taking or receiving the personal property  
169 into the pawnbroker's possession, and selling the unredeemed pledges.

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

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

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

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

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

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

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

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

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

187 (i) engages in a secondhand merchandise transaction; and  
188 (ii) does not engage in a pawn transaction.

189 (b) "Secondhand merchandise dealer" includes a coin dealer and an automated recycling  
190 kiosk operator.

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

192 (i) an antique shop when dealing in antique items;  
193 (ii) a person who operates an auction house, flea market, or vehicle, vessel, and  
194 outboard motor dealers as defined in Section 41-1a-102;  
195 (iii) the sale of secondhand goods at events commonly known as "garage sales,"  
196 "yard sales," "estate sales," "storage unit sales," or "storage unit auctions";  
197 (iv) the sale or receipt of secondhand books, magazines, post cards, or nonelectronic:  
198 (A) card games;  
199 (B) table-top games; or  
200 (C) magic tricks;

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

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

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

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

211 (ix) an owner or operator of a retail business that:  
212 (A) receives used merchandise as a trade-in for similar new merchandise[-]; or  
213 (B) receives used retail media items as a trade-in for similar new or used retail  
214 media items;

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

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

220 (xii) the purchase of items in bulk that are:  
221 (A) sold at wholesale in bulk packaging;  
222 (B) sold by a person licensed to conduct business in Utah; and  
223 (C) regularly sold in bulk quantities as a recognized form of sale;

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

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

226 (xv) a catalytic converter purchaser.

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

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

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

234 (a) goods;

235 (b) services;

236 (c) money; or

237 (d) anything else of value.

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

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

242 **26B-7-501 (Effective 07/01/27). Definitions.**

243 As used in this part:

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

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

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

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

248 (3) "Electronic cigarette product" means the same as that term is defined in Section  
249 76-9-1101.

250 (4) "Electronic cigarette substance" means the same as that term is defined in Section  
251 76-9-1101.

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

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

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

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

258 (9) "Manufacture" includes:

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

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

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

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

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

265 [(11)] (10) "Manufacturer sealed electronic cigarette product" means:

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

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

269 (11) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette  
270 substance that is sold in a container that:  
271 (a) is prefilled by the electronic cigarette substance manufacturer; and  
272 (b) the electronic cigarette manufacturer does not intend for a consumer to open.

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

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

275 (14) "Non-tobacco shisha" means any product that:  
276 (a) does not contain tobacco or nicotine; and  
277 (b) is smoked or intended to be smoked in a hookah or water pipe.

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

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

281 (17) "Place of public access" means any enclosed indoor place of business, commerce,  
282 banking, financial service, or other service-related activity, whether publicly or privately  
283 owned and whether operated for profit or not, to which persons not employed at the  
284 place of public access have general and regular access or which the public uses,  
285 including:  
286 (a) buildings, offices, shops, elevators, or restrooms;  
287 (b) means of transportation or common carrier waiting rooms;  
288 (c) restaurants, cafes, or cafeterias;  
289 (d) taverns as defined in Section 32B-1-102, or cabarets;  
290 (e) shopping malls, retail stores, grocery stores, or arcades;  
291 (f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical sites,  
292 auditoriums, or arenas;  
293 (g) barber shops, hair salons, or laundromats;  
294 (h) sports or fitness facilities;  
295 (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and  
296 breakfast" lodging facilities, and other similar lodging facilities, including the  
297 lobbies, hallways, elevators, restaurants, cafeterias, other designated dining areas, and  
298 restrooms of any of these;  
299 (j)(i) any child care facility or program subject to licensure or certification under this  
300 title, including those operated in private homes, when any child cared for under  
301 that license is present; and  
302 (ii) any child care, other than child care as defined in Section 26B-2-401, that is not

subject to licensure or certification under this title, when any child cared for by the provider, other than the child of the provider, is present;

- (k) public or private elementary or secondary school buildings and educational facilities or the property on which those facilities are located;
- (l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or religious organization when used solely by the organization members or the members' guests or families;
- (m) any facility rented or leased for private functions from which the general public is excluded and arrangements for the function are under the control of the function sponsor;
- (n) any workplace that is not a place of public access or a publicly owned building or office but has one or more employees who are not owner-operators of the business;
- (o) any area where the proprietor or manager of the area has posted a conspicuous sign stating "no smoking", "thank you for not smoking", or similar statement; and
- (p) a holder of a bar establishment license, as defined in Section 32B-1-102.

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

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

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

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

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

[€] (iii) includes date of birth; and

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

[(iii)] (c) a valid driver license certificate that is issued under Title 53, Chapter 3, Uniform Driver License Act, or in accordance with the laws of the state in which the valid driver license is issued;

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

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

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

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

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

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

341 (20) "Retail tobacco specialty business" means the same as that term is defined:  
342 (a) as it relates to a municipality, in Section 10-8-41.6; and  
343 (b) as it relates to a county, in Section 17-50-333.

344 (21) "Shisha" means any product that:  
345 (a) contains tobacco or nicotine; and  
346 (b) is smoked or intended to be smoked in a hookah or water pipe.

347 (22) "Smoking" means:  
348 (a) the possession of any lighted or heated tobacco product in any form;  
349 (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or  
350 hookah that contains:  
351 (i) tobacco or any plant product intended for inhalation;  
352 (ii) shisha or non-tobacco shisha;  
353 (iii) nicotine;  
354 (iv) a natural or synthetic tobacco substitute; or  
355 (v) a natural or synthetic flavored tobacco product;  
356 (c) using an electronic cigarette; or  
357 (d) using an oral smoking device intended to circumvent the prohibition of smoking in  
358 this part.

359 (23) "Tax commission license" means a license issued by the State Tax Commission under:  
360 (a) Section 59-14-201 to sell a cigarette at retail;  
361 (b) Section 59-14-301 to sell a tobacco product at retail; or  
362 (c) Section 59-14-803 to sell an electronic cigarette product or a nicotine product.

363 (24) "Tobacco product" means:  
364 (a) a tobacco product as defined in Section 76-9-1101; or  
365 (b) tobacco paraphernalia as defined in Section 76-9-1101.

366 (25) "Tobacco retailer" means a person that is required to obtain a tax commission license.  
367 Section 3. Section **32B-1-102** is amended to read:

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

368 As used in this title:

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

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

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

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

376 (a) beer; or  
377 (b) liquor.

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

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

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

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

386 (i) except as provided in Subsection (4)(d), an extract;  
387 (ii) vinegar;  
388 (iii) preserved nonintoxicating cider;  
389 (iv) essence;  
390 (v) tincture;  
391 (vi) food preparation; or  
392 (vii) an over-the-counter medicine.

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

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

396 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and  
397 (b) described in Section 26B-5-205.

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

399 (i) is primarily used to present live entertainment, including music, dance, comedy,  
400 and theater;  
401 (ii) has the capacity to hold over 10,000 patrons; and  
402 (iii) is located in a county of the first class.

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

405 (7) "Arena" means an enclosed building:  
406 (a) that is managed by:  
407 (i) the same person who owns the enclosed building;  
408 (ii) a person who has a majority interest in each person who owns or manages a space  
409 in the enclosed building; or  
410 (iii) a person who has authority to direct or exercise control over the management or  
411 policy of each person who owns or manages a space in the enclosed building;

412 (b) that operates as a venue; and

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

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

416 (9) "Banquet" means an event:

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

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

420 (i) a hotel;

421 (ii) a resort facility;

422 (iii) a sports center;

423 (iv) a convention center;

424 (v) a performing arts facility;

425 (vi) an arena;

426 (vii) a restaurant venue; or

427 (viii) an amphitheater;

428 (c) for which there is a contract:

429 (i) between a person operating a facility listed in Subsection (9)(b) and another  
430 person that has common ownership of less than 20% with the person operating the  
431 facility; and

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

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

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

437 (b) "Bar establishment license" includes:

438 (i) a dining club license;

439 (ii) an equity license;

440 (iii) a fraternal license; or

441 (iv) a bar license.

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

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

445 (i) contains:

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

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

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

449 (A) malt; or

450 (B) a malt substitute; and

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

452 (A) beer;

453 (B) ale;

454 (C) porter;

455 (D) stout;

456 (E) lager;

457 (F) a malt;

458 (G) a malted beverage; or

459 (H) seltzer.

460 (b) "Beer" may contain:

461 (i) hops extract;

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

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

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

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

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

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

468 (c) "Beer" does not include:

469 (i) a flavored malt beverage;

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

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

472 (B) wine; or

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

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

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

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

(b) is licensed as:

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

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

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

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

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

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

(a) a light device;

(b) a painting;

(c) a drawing;

(d) a poster;

(e) a sign:

(f) a signboard; or

(g) a scoreboard.

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

(a) beer

(b) heavy beer or

(c) a flavored malt beverage.

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

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

(20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a

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

512       (21) "Church" means a building:

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

517       (22) "Commission" means the Alcoholic Beverage Services Commission created in Section  
518       32B-2-201.

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

520       (24) "Community location" means:

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

526       (25) "Community location governing authority" means:

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

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

- 532       (a) a bottle;
- 533       (b) a vessel; or
- 534       (c) a similar item.

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

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

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

540       (29)(a) "Counter" means a surface or structure in a dining area of a licensed premises

541 where seating is provided to a patron for service of food.

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

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

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

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

547 (a) an auditor or inspector; and

548 (b) employed by the department.

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

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

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

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

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

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

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

559 (i) drawing an alcoholic product; and

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

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

563 (i) a full-service restaurant license;

564 (ii) a limited-service restaurant license;

565 (iii) a reception center license;

566 (iv) a beer-only restaurant license;

567 (v) a bar license;

568 (vi) an on-premise beer retailer;

569 (vii) an airport lounge license;

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

571 (ix) a hospitality amenity license.

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

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

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

575 (39) "Distillery manufacturing license" means a license issued in accordance with Chapter  
576 11, Part 4, Distillery Manufacturing License.

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

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

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

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

586 (43) "Event permit" means:

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

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

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

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

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

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

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

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

609 commission as a fraternal license.

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

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

614 (b) "Furnish" includes to:

615 (i) serve;

616 (ii) deliver; or

617 (iii) otherwise make available.

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

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

620 (51) "Health care practitioner" means:

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

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

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

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

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

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

630 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
631 Therapy Practice Act;

632 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

633 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health  
634 Professional Practice Act;

635 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

636 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice  
637 Act;

638 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental  
639 Hygienist Practice Act; and

640 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant  
641 Act.

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

643 (i)(A) contains more than 5% alcohol by volume;

644 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by

645 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or

646 ethanol-based flavoring agent that contributes more than 10% of the overall

647 alcohol content of the product; or

648 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by

649 volume or 4% by weight, and has a label or packaging that is rejected under

650 Subsection 32B-1-606(3)(b); and

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

652 (A) malt; or

653 (B) a malt substitute.

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

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

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

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

658 (i) a flavored malt beverage;

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

660 (A) except as provided in Subsections (52)(a)(i)(B) and (52)(b), spirituous liquor;

661 or

662 (B) wine; or

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

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

665 tetrahydrocannabinol.

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

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

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

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

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

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

672 under a banquet contract; and

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

674 complete meals;

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

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

677 individuals; or

678 (C) if the establishment is located in a small or unincorporated locality, has an  
679 appropriate amount of function space consisting of meeting or dining rooms  
680 that can be reserved for private use under a banquet contract, as determined by  
681 the commission.

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

683 (i) meets the requirements under Subsection (54)(a); and  
684 (ii) has one or more privately owned dwelling units.

685 (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License  
686 Act, and Chapter 8b, Hotel License Act.

687 (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part  
688 8, Identification Card Act.

689 (57) "Industry representative" means an individual who is compensated by salary,  
690 commission, or other means for representing and selling an alcoholic product of a  
691 manufacturer, supplier, or importer of liquor.

692 (58) "Industry representative sample" means liquor that is placed in the possession of the  
693 department for testing, analysis, and sampling by a local industry representative on the  
694 premises of the department to educate the local industry representative of the quality and  
695 characteristics of the product.

696 (59)(a) "Interdicted person" means a person to whom the sale, offer for sale, or  
697 furnishing of an alcoholic product is prohibited by:

698 (i) law; or  
699 (ii) court order.

700 (b) "Interdicted person" includes a person who voluntarily obtains a driver license  
701 certificate under Section 53-3-236 or an identification card under Section 53-3-805  
702 with an interdicted person identifier.

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

704 (a) with a United States Customs and Border Protection office on the premises of the  
705 airport; and  
706 (b) at which international flights may enter and depart.

707 (61) "Intoxicated" or "intoxication" means that  
708 an individual exhibits plain and easily observable outward manifestations of behavior  
709 or physical signs produced by or as a result of the use of:  
710 (a) an alcoholic product;

711 (b) a controlled substance;  
712 (c) a substance having the property of releasing toxic vapors; or  
713 (d) a combination of products or substances described in Subsections (61)(a) through (c).

714 (62) "Investigator" means an individual who is:  
715 (a) a department compliance officer; or  
716 (b) a nondepartment enforcement officer.

717 (63) "License" means:  
718 (a) a retail license;  
719 (b) a sublicense;  
720 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State  
721 License;  
722 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses  
723 Act;  
724 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;  
725 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or  
726 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

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

728 (65) "Limited-service restaurant license" means a license issued in accordance with Chapter  
729 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

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

732 (a) in which the driver and a passenger are separated by a partition, glass, or other  
733 barrier;  
734 (b) that is provided by a business entity to one or more individuals at a fixed charge in  
735 accordance with the business entity's tariff; and  
736 (c) to give the one or more individuals the exclusive use of the limousine and a driver to  
737 travel to one or more specified destinations.

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

739 (A) is:  
740 (I) alcohol;  
741 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;  
742 (III) a combination of liquids a part of which is spirituous, vinous, or  
743 fermented; or  
744 (IV) other drink or drinkable liquid; and

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

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

747 (ii) "Liquor" includes:

748 (A) heavy beer;

749 (B) wine; and

750 (C) a flavored malt beverage.

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

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

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

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

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

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

759 (71) "Local authority" means:

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

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

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

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

769 (73) "Malt substitute" means:

770 (a) rice;

771 (b) grain;

772 (c) bran;

773 (d) glucose;

774 (e) sugar; or

775 (f) molasses.

776 (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or

777 otherwise make an alcoholic product for personal use or for sale or distribution to others.

778 (75) "Member" means an individual who, after paying regular dues, has full privileges in an

779 equity licensee or fraternal licensee.

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

- 782 (i)(A) under the control of the United States Department of Defense; or
- 783 (B) of the National Guard;
- 784 (ii) that is located within the state; and
- 785 (iii) including a leased facility.

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

- 787 (i) civil works;
- 788 (ii) a rivers and harbors project; or
- 789 (iii) a flood control project.

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

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

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

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

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

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

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

- 801 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- 802 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's  
803 premises.

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

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

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

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

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

813 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's  
814 premises:  
815 (i) regardless of whether the beer retailer sells beer for consumption off the licensed  
816 premises; and  
817 (ii) on and after March 1, 2012, operating:  
818 (A) as a tavern; or  
819 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).  
820 (85) "Opaque" means impenetrable to sight.  
821 (86) "Package agency" means a retail liquor location operated:  
822 (a) under an agreement with the department; and  
823 (b) by a person:  
824 (i) other than the state; and  
825 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,  
826 Package Agency, to sell packaged liquor for consumption off the premises of the  
827 package agency.  
828 (87) "Package agent" means a person who holds a package agency.  
829 (88) "Patron" means an individual to whom food, beverages, or services are sold, offered  
830 for sale, or furnished, or who consumes an alcoholic product including:  
831 (a) a customer;  
832 (b) a member;  
833 (c) a guest;  
834 (d) an attendee of a banquet or event;  
835 (e) an individual who receives room service;  
836 (f) a resident of a resort; or  
837 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity  
838 license.  
839 (a) "Performing arts facility" means a multi-use performance space that:  
840 (i) is primarily used to present various types of performing arts, including dance,  
841 music, and theater;  
842 (ii) contains over 2,500 seats;  
843 (iii) is owned and operated by a governmental entity; and  
844 (iv) is located in a city of the first class.  
845 (b) "Performing arts facility" does not include a space that is used to present sporting  
846 events or sporting competitions.

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

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

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

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

851 (a) a licensee;

852 (b) a permittee;

853 (c) a manufacturer;

854 (d) a supplier;

855 (e) an importer;

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

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

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

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

860 (g) staff of:

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

862 (ii) a package agent.

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

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

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

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

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

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

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

874 (95) "Principal license" means:

875 (a) a resort license;

876 (b) a hotel license; or

877 (c) an arena license.

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

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

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

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

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

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

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

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

889 [(\u2022)] (a) an identification card;

890 [(\u2022)] (b) an identification that:

891 [(\u2022)] (i) is substantially similar to an identification card;

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

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

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

896 [(\u2022)] (c) a valid driver license certificate that:

897 [(\u2022)] (i) includes date of birth;

898 [(\u2022)] (ii) has a picture affixed; and

899 [(\u2022)] (iii) is issued under Title 53, Chapter 3, Uniform Driver License Act, in  
900 accordance with the laws of the state in which it is issued, or in accordance with  
901 federal law by the United States Department of State;

902 [(\u2022)] (d) a military identification card that:

903 [(\u2022)] (i) includes date of birth; and

904 [(\u2022)] (ii) has a picture affixed; or

905 [(\u2022)] (e) a valid passport.

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

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

909 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service  
910 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;

911 (b) for a limited-service restaurant sublicense, the provisions applicable to a  
912 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant  
913 License;

914 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment

license under Chapter 6, Part 4, Bar Establishment License;

- (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity license under Chapter 6, Part 10, Hospitality Amenity License; and
- (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d, Part 2, Resort Spa Sublicense.

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

- (i) owned or leased by:
  - (A) the state; or
  - (B) a local government entity; and
- (ii) used for:
  - (A) public education;
  - (B) transacting public business; or
  - (C) regularly conducting government

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

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

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

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

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

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

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

949 (b) "Record" includes:

- 950 (i) a book;
- 951 (ii) a book of account;
- 952 (iii) a paper;
- 953 (iv) a contract;
- 954 (v) an agreement;
- 955 (vi) a document; or
- 956 (vii) a recording in any medium.

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

958 (106) "Resident," in relation to a resort, means the same as that term is defined in Section  
959 32B-8-102.

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

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

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

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

- 966 (a) over-serving alcoholic beverages to customers;
- 967 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously  
968 intoxicated; and
- 969 (c) serving alcoholic beverages to minors.

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

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

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

- 975 (a) a full-service restaurant license;
- 976 (b) a limited-service restaurant license; or
- 977 (c) a beer-only restaurant license.

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

- 979 (a) is located on the licensed premises of a restaurant licensee;
- 980 (b) is separated from the area within the restaurant for a patron's consumption of food by  
981 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not  
982 visible to a patron in the area within the restaurant for a patron's consumption of

983 food; and

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

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

986 (B) accommodates at least 75 individuals; or

987 (ii) if the restaurant is located in a small or unincorporated locality, has an

988 appropriate amount of space, as determined by the commission, that may be

989 reserved for a banquet.

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

991 (a) a full-service restaurant license;

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

993 (c) a limited-service restaurant license;

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

995 (e) a bar establishment license;

996 (f) an airport lounge license;

997 (g) an on-premise banquet license;

998 (h) an on-premise beer license;

999 (i) a reception center license;

1000 (j) a beer-only restaurant license;

1001 (k) a hospitality amenity license;

1002 (l) a resort license;

1003 (m) a hotel license; or

1004 (n) an arena license.

1005 (115) "Room service" means furnishing an alcoholic product to a person in a guest room or  
1006 privately owned dwelling unit of a:

1007 (a) hotel; or

1008 (b) resort facility.

1009 (116)(a) "School" means a building in which any part is used for more than three hours  
1010 each weekday during a school year as a public or private:

1011 (i) elementary school;

1012 (ii) secondary school; or

1013 (iii) kindergarten.

1014 (b) "School" does not include:

1015 (i) a nursery school;

1016 (ii) a day care center;

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

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

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

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

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

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

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

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

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

1051 (a) if the brewer is part of a controlled group of manufacturers, including the combined  
1052 volume totals of production for all breweries that constitute the controlled group of  
1053 manufacturers; and  
1054 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:  
1055 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission  
1056 determines by rule made in accordance with Title 63G, Chapter 3, Utah  
1057 Administrative Rulemaking Act; and  
1058 (ii) does not sell for consumption as, or in, a beverage.

1059 (124) "Small or unincorporated locality" means:  
1060 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;  
1061 (b) a town, as classified under Section 10-2-301; or  
1062 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified  
1063 under Section 17-60-104.

1064 (125) "Spa sublicense" means a sublicense:  
1065 (a) to a resort license or hotel license; and  
1066 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa  
1067 Sublicense.

1068 (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special  
1069 Use Permit Act.

1070 (127)(a) "Spirituous liquor" means liquor that is distilled.  
1071 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27  
1072 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.

1073 (128) "Sports center" is as defined by the commission by rule.

1074 (129)(a) "Staff" means an individual who engages in activity governed by this title:  
1075 (i) on behalf of a business, including a package agent, licensee, permittee, or  
1076 certificate holder;  
1077 (ii) at the request of the business, including a package agent, licensee, permittee, or  
1078 certificate holder; or  
1079 (iii) under the authority of the business, including a package agent, licensee,  
1080 permittee, or certificate holder.

1081 (b) "Staff" includes:  
1082 (i) an officer;  
1083 (ii) a director;  
1084 (iii) an employee;

1085 (iv) personnel management;  
1086 (v) an agent of the licensee, including a managing agent;  
1087 (vi) an operator; or  
1088 (vii) a representative.

1089 (130) "State of nudity" means:

1090 (a) the appearance of:  
1091 (i) the nipple or areola of a female human breast;  
1092 (ii) a human genital;  
1093 (iii) a human pubic area; or  
1094 (iv) a human anus; or  
1095 (b) a state of dress that fails to opaquely cover:  
1096 (i) the nipple or areola of a female human breast;  
1097 (ii) a human genital;  
1098 (iii) a human pubic area; or  
1099 (iv) a human anus.

1100 (131) "State of seminudity" means a state of dress in which opaque clothing covers no more  
1101 than:

1102 (a) the nipple and areola of the female human breast in a shape and color other than the  
1103 natural shape and color of the nipple and areola; and  
1104 (b) the human genitals, pubic area, and anus:  
1105 (i) with no less than the following at its widest point:  
1106 (A) four inches coverage width in the front of the human body; and  
1107 (B) five inches coverage width in the back of the human body; and  
1108 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

1109 (132)(a) "State store" means a facility for the sale of packaged liquor:

1110 (i) located on premises owned or leased by the state; and  
1111 (ii) operated by a state employee.  
1112 (b) "State store" does not include:  
1113 (i) a package agency;  
1114 (ii) a licensee; or  
1115 (iii) a permittee.

1116 (133)(a) "Storage area" means an area on licensed premises where the licensee stores an  
1117 alcoholic product.

1118 (b) "Store" means to place or maintain in a location an alcoholic product.

1119 (134) "Sublicense" means:

1120 (a) any of the following licenses issued as a subordinate license to, and contingent on the  
1121 issuance of, a principal license:  
1122 (i) a full-service restaurant license;  
1123 (ii) a limited-service restaurant license;  
1124 (iii) a bar establishment license;  
1125 (iv) an on-premise banquet license;  
1126 (v) an on-premise beer retailer license;  
1127 (vi) a beer-only restaurant license; or  
1128 (vii) a hospitality amenity license; or  
1129 (b) a spa sublicense.

1130 (135) "Supplier" means a person who sells an alcoholic product to the department.

1131 (136) "Tavern" means an on-premise beer retailer who is:

1132 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,  
1133 and Chapter 6, Part 7, On-Premise Beer Retailer License; and  
1134 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,  
1135 On-Premise Beer Retailer License.

1136 (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,  
1137 Part 4, Temporary Beer Event Permit.

1138 (138) "Temporary domicile" means the principal place of abode within Utah of a person  
1139 who does not have a present intention to continue residency within Utah permanently or  
1140 indefinitely.

1141 (139) "Translucent" means a substance that allows light to pass through, but does not allow  
1142 an object or person to be seen through the substance.

1143 (140) "Unsaleable liquor merchandise" means a container that:

1144 (a) is unsaleable because the container is:

1145 (i) unlabeled;  
1146 (ii) leaky;  
1147 (iii) damaged;  
1148 (iv) difficult to open; or  
1149 (v) partly filled;

1150 (b)(i) has faded labels or defective caps or corks;

1151 (ii) has contents that are:  
1152 (A) cloudy;

1153 (B) spoiled; or  
1154 (C) chemically determined to be impure; or  
1155 (iii) contains:  
1156 (A) sediment; or  
1157 (B) a foreign substance; or  
1158 (c) is otherwise considered by the department as unfit for sale.

1159 (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural  
1160 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not  
1161 another ingredient is added.

1162 (b) "Wine" includes:  
1163 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.  
1164 Sec. 4.10; and  
1165 (ii) hard cider.

1166 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in  
1167 this title.

1168 (142) "Winery manufacturing license" means a license issued in accordance with Chapter  
1169 11, Part 3, Winery Manufacturing License.

1170 Section 4. Section **32B-1-406** is amended to read:

1171 **32B-1-406 (Effective 07/01/27). Acceptance of identification.**

1172 (1) An authorized person may accept as evidence of the legal age of the individual  
1173 presenting the following:  
1174 (a) proof of age; or  
1175 (b) if a statement of age is required under Section 32B-1-405:  
1176 (i) proof of age; and  
1177 (ii) a statement of age.

1178 (2) A statement of age, if properly completed, signed, and filed in accordance with Section  
1179 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:  
1180 (a) selling, offering for sale, or furnishing an alcoholic product to the individual who  
1181 signed the statement of age;  
1182 (b) admitting the individual who signed the statement of age into a restricted area; or  
1183 (c) allowing the individual who signed the statement of age to be employed in  
1184 employment that under this title may not be obtained by a minor.

1185 ~~(3) An authorized person may not accept a driving privilege card issued in accordance with~~  
1186 ~~Section 53-3-207 as evidence of the legal age of an individual.]~~

1187       Section 5. Section **41-6a-404** is amended to read:

1188       **41-6a-404 (Effective 05/06/26). Accident reports -- When confidential --**

1189       **Insurance policy information -- Use as evidence -- Penalty for false information.**

1190       (1) As used in this section:

1191           (a)(i) "Accident report" means the written report required of the investigating peace  
1192           officer, including accompanying data and any later supplements, which describes  
1193           the site, location, and manner of occurrence of an accident, the persons and  
1194           vehicles involved, and any other pertinent data that may be useful in the  
1195           determination of the causes of the accident.

1196           (ii) "Accident report" may include:

- 1197               (A) a police report;
- 1198               (B) a motor vehicle collision report;
- 1199               (C) a reportable accident report;
- 1200               (D) a driving under the influence report;
- 1201               (E) an animal control report;
- 1202               (F) any witness statement or witness recording;
- 1203               (G) an ambulance medical record or bill;
- 1204               (H) any accompanying photograph, body camera video, dash camera video, and  
1205               supplemental report; and
- 1206               (I) other information, recording, and drawing generated in the investigation of an  
1207               accident.

1208           (b) "Accompanying data" means all materials gathered by the investigating peace officer  
1209           in an accident investigation including:

- 1210               (i) the identity of witnesses and, if known, contact information;
- 1211               (ii) witness statements;
- 1212               (iii) photographs;
- 1213               (iv) surveillance, body camera, dash camera, and any other video footage;
- 1214               (v) diagrams; and
- 1215               (vi) field notes.

1216           (c) "Agent" means:

- 1217               (i) a person's attorney that has been formally engaged in anticipation of litigation or  
1218               trial, or in active litigation or trial, whether the representation is for a civil or  
1219               criminal matter;
- 1220               (ii) a person's insurer;

1221 (iii) a general acute hospital, as defined in Section 26B-2-201, that:  
1222 (A) has an emergency room; and  
1223 (B) is providing or has provided emergency services to the person in relation to  
1224 the accident; or  
1225 (iv) any other individual or entity with signed permission from the person to receive  
1226 the person's accident report.

1227 (d) "Protected record" means the same as that term is defined in Section 63G-2-305.

1228 (e) "Unlawfully present alien" means an individual who is unlawfully present in the  
1229 United States.

1230 [(e)] (f) "Unredacted accident report" means an accident report for which the accident  
1231 report, accompanying data, written material, audio recording, video recording,  
1232 photograph, or any other portion of the accident report has not been redacted, blacked  
1233 out, blurred, cropped, clipped, or otherwise modified.

1234 (2)(a) Except as provided in Subsections (3) and (8), all accident reports required in this  
1235 part to be filed with the department:

1236 (i) are without prejudice to the reporting individual;  
1237 (ii) are protected and for the confidential use of the department or other state, local,  
1238 or federal agencies having use for the records for official governmental statistical,  
1239 investigative, and accident prevention purposes; and  
1240 (iii) may be disclosed only in a statistical form that protects the privacy of any person  
1241 involved in the accident.

1242 (b) An investigating peace officer shall include in an accident report an indication as to  
1243 whether the accident occurred on a highway designated as a livestock highway in  
1244 accordance with Section 72-3-112 if the accident resulted in the injury or death of  
1245 livestock.

1246 (3)(a) Subject to the provisions of this section, the department or the responsible law  
1247 enforcement agency employing the peace officer that investigated the accident shall  
1248 disclose an unredacted accident report, containing the information described in  
1249 Subsection 41-6a-402(4)(c), to:

1250 (i) a person involved in the accident, excluding a witness to the accident;  
1251 (ii) a person suffering loss or injury in the accident;  
1252 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)  
1253 and (ii);  
1254 (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;

1255 (v)(A) a state, local, or federal agency that uses the records for official  
1256 governmental, investigative, or accident prevention purposes; and  
1257 (B) if the accident involves an individual who is an unlawfully present alien, to  
1258 the Immigration and Customs Enforcement Agency of the United States  
1259 Department of Homeland Security;  
1260 (vi) law enforcement personnel when acting in their official governmental capacity;  
1261 and  
1262 (vii) a licensed private investigator who:  
1263 (A) represents an individual described in Subsections (3)(a)(i) through (iii); and  
1264 (B) demonstrates that the representation of the individual described in Subsections  
1265 (3)(a)(i) through (iii) is directly related to the accident that is the subject of the  
1266 accident report.

1267 (b) The responsible law enforcement agency employing the peace officer that  
1268 investigated the accident:  
1269 (i) shall in compliance with Subsection (3)(a):  
1270 (A) disclose an accident report; or  
1271 (B) upon written request disclose an accident report and its accompanying data  
1272 within 10 business days from receipt of a written request for disclosure;  
1273 (ii) may withhold an accident report, and any of its accompanying data if disclosure  
1274 would jeopardize an ongoing criminal investigation or criminal prosecution; or  
1275 (iii) may redact an individual's phone number or address from the accident report, if  
1276 the disclosure of the information may endanger the life or physical safety of the  
1277 individual, including when the individual is under witness protection.

1278 (c) In accordance with Subsection (3)(a), the department or the responsible law  
1279 enforcement agency employing the investigating peace officer shall disclose whether  
1280 any person or vehicle involved in an accident reported under this section was covered  
1281 by a vehicle insurance policy, and the name of the insurer.

1282 (d) Information provided to a member of the press or broadcast news media under  
1283 Subsection (3)(a)(iv) may only include:  
1284 (i) the name, age, sex, and city of residence of each person involved in the accident;  
1285 (ii) the make and model year of each vehicle involved in the accident;  
1286 (iii) whether or not each person involved in the accident was covered by a vehicle  
1287 insurance policy;  
1288 (iv) the location of the accident; and

1289 (v) a description of the accident that excludes personal identifying information not  
1290 listed in Subsection (3)(d)(i).

1291 (e) The department shall disclose to any requesting person the following vehicle  
1292 accident history information, excluding personal identifying information, in bulk  
1293 electronic form:

1294 (i) any vehicle identifying information that is electronically available, including the  
1295 make, model year, and vehicle identification number of each vehicle involved in  
1296 an accident;

1297 (ii) the date of the accident; and

1298 (iii) any electronically available data which describes the accident, including a  
1299 description of any physical damage to the vehicle.

1300 (f) The department may establish a fee under Section 63J-1-504 based on the fair market  
1301 value of the information for providing bulk vehicle accident history information  
1302 under Subsection (3)(e).

1303 (4)(a) Except as provided in Subsection (4)(b), accident reports filed under this section  
1304 may not be used as evidence in any civil or criminal trial arising out of an accident.

1305 (b)(i) Upon demand of any party to the trial or upon demand of any court, the  
1306 department shall furnish a certificate showing that a specified accident report has  
1307 or has not been made to the department in compliance with law.

1308 (ii) If the report has been made, the certificate furnished by the department shall  
1309 show:

1310 (A) the date, time, and location of the accident;

1311 (B) subject to Subsections (4)(b)(iv) and (v), the name, phone number, and  
1312 address of each person involved in the accident, including a witness of the  
1313 accident;

1314 (C) the owners of the vehicles involved; and

1315 (D) the investigating peace officers.

1316 (iii) The reports may be used as evidence when necessary to prosecute charges filed  
1317 in connection with a violation of Subsection (6).

1318 (iv) If a witness requests that the witness's address and phone number be excluded  
1319 from the accident report, the investigating officer shall:

1320 (A) exclude the witness's address and phone number from the accident report; and

1321 (B) create a separate record of the witness's address and phone number.

1322 (v) The record described in Subsection (4)(b)(iv) is discoverable in a lawsuit by a

party that was involved in the accident if the lawsuit arises from the accident.

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

(i) requests the protected record in writing;

(ii) provides a letter of representation stating that:

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

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

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

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

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

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

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

(7) The department and the responsible law enforcement agency employing the investigating peace officer may charge a reasonable fee determined by the department under Section 63J-1-504 for the cost incurred in disclosing an accident report or an accident report and any of its accompanying data under Subsections (3)(a) and (b).

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

(i) a person involved in the accident, excluding a witness to the accident;

(ii) an owner of a vehicle involved in the accident;

(iii) an agent, parent, or legal guardian of a person described in Subsection (8)(a)(i)

1357 or (ii); or

1358 (iv) an insurer that provides motor vehicle insurance to a person described in  
1359 Subsection (8)(a)(i) or (iii).

1360 (b) A disclosure under Subsection (8)(a) does not change the classification of the record  
1361 as a protected record under Section 63G-2-305.

1362 (9)(a) A person may not knowingly obtain an accident report described in this part if the  
1363 person is not described in Subsection (3).

1364 (b) A person may not knowingly use information in an accident report to market  
1365 services, including marketing for legal representation.

1366 (c) A person who violates this Subsection (9) is guilty of a class A misdemeanor.

1367 Section 6. Section **46-1-2** is amended to read:

1368 **46-1-2 (Effective 07/01/27). Definitions.**

1369 As used in this chapter:

1370 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose  
1371 identity is personally known to the notary or proven on the basis of satisfactory  
1372 evidence, has admitted, in the presence of the notary, to voluntarily signing a document  
1373 for the document's stated purpose.

1374 (2) "Before me" means that an individual appears in the presence of the notary.

1375 (3) "Commission" means:

1376 (a) to empower to perform notarial acts; or

1377 (b) the written document that gives authority to perform notarial acts, including the  
1378 Certificate of Authority of Notary Public that the lieutenant governor issues to a  
1379 notary.

1380 (4) "Copy certification" means a notarial act in which a notary certifies that a photocopy is  
1381 an accurate copy of a document that is neither a public record nor publicly recorded.

1382 (5) "Electronic notarization" means:

1383 (a) a remote notarization; or

1384 (b) a notarization:

1385 (i) in an electronic format;

1386 (ii) of a document that may be recorded electronically under Subsection 17-71-402(2);  
1387 and

1388 (iii) that conforms with rules made under Section 46-1-3.7.

1389 (6) "Electronic recording" means the audio and video recording, described in Subsection  
1390 46-1-3.6(3), of a remote notarization.

1391 (7) "Electronic seal" means an electronic version of the seal described in Section 46-1-16,  
1392 that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary may attach  
1393 to a notarial certificate to complete an electronic notarization.

1394 (8) "Electronic signature" means the same as that term is defined in Section 46-4-102.

1395 (9) "In the presence of the notary" means that an individual:

1396 (a) is physically present with the notary in close enough proximity to see and hear the  
1397 notary; or

1398 (b) communicates with a remote notary by means of an electronic device or process that:

1399 (i) allows the individual and remote notary to communicate with one another  
1400 simultaneously by sight and sound; and

1401 (ii) complies with rules made under Section 46-1-3.7.

1402 (10) "Jurat" means a notarial act in which a notary certifies:

1403 (a) the identity of a signer who:

1404 (i) is personally known to the notary; or

1405 (ii) provides the notary satisfactory evidence of the signer's identity;

1406 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document;  
1407 and

1408 (c) that the signer voluntarily signs the document in the presence of the notary.

1409 (11) "Notarial act" or "notarization" means an act that a notary is authorized to perform  
1410 under Section 46-1-6.

1411 (12) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:

1412 (a) a part of or attached to a notarized document; and

1413 (b) completed by the notary and bears the notary's signature and official seal.

1414 (13)(a) "Notary" means an individual commissioned to perform notarial acts under this  
1415 chapter.

1416 (b) "Notary" includes a remote notary.

1417 (14) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person  
1418 made a vow or affirmation in the presence of the notary on penalty of perjury.

1419 (15) "Official misconduct" means a notary's performance of any act prohibited or failure to  
1420 perform any act mandated by this chapter or by any other law in connection with a  
1421 notarial act.

1422 (16)(a) "Official seal" means the seal described in Section 46-1-16 that a notary may  
1423 attach to a notarial certificate to complete a notarization.

1424 (b) "Official seal" includes an electronic seal.

1425 (17) "Personally known" means familiarity with an individual resulting from interactions  
1426 with that individual over a period of time sufficient to eliminate every reasonable doubt  
1427 that the individual has the identity claimed.

1428 (18) "Remote notarization" means a notarial act performed by a remote notary in  
1429 accordance with this chapter for an individual who is not in the physical presence of the  
1430 remote notary at the time the remote notary performs the notarial act.

1431 (19) "Remote notary" means a notary that holds an active remote notary certification under  
1432 Section 46-1-3.5.

1433 (20)(a) "Satisfactory evidence of identity" means:  
1434 (i) for both an in-person and remote notarization, identification of an individual based  
1435 on:  
1436 (A) subject to Subsection (20)(b), valid personal identification with the  
1437 individual's photograph, signature, and physical description that the United  
1438 States government, any state within the United States, or a foreign government  
1439 issues;  
1440 (B) subject to Subsection (20)(b), a valid passport that any nation issues; or  
1441 (C) the oath or affirmation of a credible person who is personally known to the  
1442 notary and who personally knows the individual; and  
1443 (ii) for a remote notarization only, a third party's affirmation of an individual's  
1444 identity in accordance with rules made under Section 46-1-3.7 by means of:  
1445 (A) dynamic knowledge-based authentication, which may include requiring the  
1446 individual to answer questions about the individual's personal information  
1447 obtained from public or proprietary data sources; or  
1448 (B) analysis of the individual's biometric data, which may include facial  
1449 recognition, voiceprint analysis, or fingerprint analysis.

1450 (b) "Satisfactory evidence of identity," for a remote notarization, requires the  
1451 identification described in Subsection (20)(a)(i)(A) or passport described in  
1452 Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in  
1453 accordance with rules made under Section 46-1-3.7.

1454 (c) "Satisfactory evidence of identity" does not include[:]  
1455 [(i) a driving privilege card under Subsection 53-3-207(12); or]  
1456 [(ii) another] a document that is not considered valid for identification.

1457 (21) "Signature witnessing" means a notarial act in which an individual:  
1458 (a) appears in the presence of the notary and presents a document;

1459 (b) provides the notary satisfactory evidence of the individual's identity, or is personally  
1460 known to the notary; and  
1461 (c) signs the document in the presence of the notary.

1462 Section 7. Section **53-3-102** is amended to read:

1463 **53-3-102 (Effective 07/01/27). Definitions.**

1464 As used in this chapter:

1465 (1) "Autocycle" means a motor vehicle that:  
1466 (a) is designed to travel with three or fewer wheels in contact with the ground; and  
1467 (b) is equipped with:  
1468 (i) a steering mechanism;  
1469 (ii) seat belts; and  
1470 (iii) seating that does not require the operator to straddle or sit astride the motor  
1471 vehicle.  
1472 (2) "Cancellation" means the termination by the division of a license issued through error or  
1473 fraud or for which consent under Section 53-3-211 has been withdrawn.  
1474 (3) "Class D license" means the class of license issued to drive motor vehicles not defined  
1475 as commercial motor vehicles or motorcycles under this chapter.  
1476 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:  
1477 (a) issued under Section 53-3-408; or  
1478 (b) issued by a state or other jurisdiction of domicile in compliance with the standards  
1479 contained in 49 C.F.R. Part 383.  
1480 (5) "Commercial driver license" or "CDL" means a license:  
1481 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,  
1482 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
1483 Uniform Commercial Driver License Act, which authorizes the holder to drive a class  
1484 of commercial motor vehicle; and  
1485 (b) that was obtained by providing evidence of lawful presence in the United States with  
1486 one of the document requirements described in Subsection 53-3-410(1)(i)(i).  
1487 (6)(a) "Commercial driver license motor vehicle record" or "CDL MVR" means a  
1488 driving record that:  
1489 (i) applies to a person who holds or is required to hold a commercial driver  
1490 instruction permit or a CDL license; and  
1491 (ii) contains the following:  
1492 (A) information contained in the driver history, including convictions, pleas held

in abeyance, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, committed in any type of vehicle;

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

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

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

- (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, or gross combination weight rating or gross combination weight of 26,001 or more pounds or a lesser rating as determined by federal regulation;
- (ii) is designed to transport 16 or more passengers, including the driver; or
- (iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

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

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

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

(iii) firefighting and emergency vehicles;

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

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

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

(a) an unvacated adjudication of guilt or a determination that a person has violated or

1527 failed to comply with the law in a court of original jurisdiction or an administrative  
1528 proceeding;

1529 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance  
1530 in court;

1531 (c) a plea of guilty or nolo contendere accepted by the court;

1532 (d) the payment of a fine or court costs; or

1533 (e) violation of a condition of release without bail, regardless of whether the penalty is  
1534 rebated, suspended, or probated.

1535 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
1536 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's  
1537 Security, do not apply.

1538 (10) "Director" means the division director appointed under Section 53-3-103.

1539 (11) "Disqualification" means either:

1540 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of  
1541 a person's privileges to drive a commercial motor vehicle;

1542 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
1543 that a person is no longer qualified to drive a commercial motor vehicle under 49  
1544 C.F.R. Part 391; or

1545 (c) the loss of qualification that automatically follows conviction of an offense listed in  
1546 49 C.F.R. Part 383.51.

1547 (12) "Division" means the Driver License Division of the department created in Section  
1548 53-3-103.

1549 (13) "Downgrade" means to obtain a lower license class than what was originally issued  
1550 during an existing license cycle.

1551 (14) "Drive" means:

1552 (a) to operate or be in physical control of a motor vehicle upon a highway; and

1553 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
1554 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any  
1555 place within the state.

1556 (15)(a) "Driver" means an individual who drives, or is in actual physical control of a  
1557 motor vehicle in any location open to the general public for purposes of vehicular  
1558 traffic.

1559 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person  
1560 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act,

1561 or federal law.

1562 ~~[(16) "Driving privilege card" means the evidence of the privilege granted and issued under~~  
1563 ~~this chapter to drive a motor vehicle to a person whose privilege was obtained without~~  
1564 ~~providing evidence of lawful presence in the United States.]~~

1565 [~~(17)~~] (16) "Electronic license certificate" means the evidence, in an electronic format as  
1566 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor  
1567 vehicle.

1568 [~~(18)~~] (17) "Extension" means a renewal completed in a manner specified by the division.

1569 [~~(19)~~] (18) "Farm tractor" means every motor vehicle designed and used primarily as a farm  
1570 implement for drawing plows, mowing machines, and other implements of husbandry.

1571 [~~(20)~~] (19) "Highway" means the entire width between property lines of every way or place  
1572 of any nature when any part of it is open to the use of the public, as a matter of right, for  
1573 traffic.

1574 [~~(21)~~] (20) "Human driver" means the same as that term is defined in Section 41-26-102.1.

1575 [~~(22)~~] (21) "Identification card" means a card issued under Part 8, Identification Card Act, to  
1576 a person for identification purposes.

1577 [~~(23)~~] (22) "Indigent" means that a person's income falls below the federal poverty guideline  
1578 issued annually by the United States Department of Health and Human Services in the  
1579 Federal Register.

1580 [~~(24)~~] (23) "Interdicted person" means the same as that term is defined in Section 32B-1-102.

1581 [~~(25)~~] (24) "Interdicted person identifier" means language and other security features on a  
1582 license certificate or identification card indicating that the person is an interdicted  
1583 person, which features include:  
1584 (a) the language "No Alcohol Sale"; and  
1585 (b) other security features identifying the individual as being restricted from purchasing  
1586 alcohol, including a prominent red stripe on the front of the license or identification  
1587 card.

1588 [~~(26)~~] (25) "License" means the privilege to drive a motor vehicle.

1589 [~~(27)~~] (26)(a) "License certificate" means the evidence of the privilege issued under this  
1590 chapter to drive a motor vehicle.

1591 (b) "License certificate" evidence includes:  
1592 (i) a regular license certificate;  
1593 (ii) a limited-term license certificate;  
1594 [~~(iii) a driving privilege card;~~]

1595 [~~(iv)~~] (iii) a CDL license certificate;  
1596 [~~v~~] (iv) a limited-term CDL license certificate;  
1597 [~~vi~~] (v) a temporary regular license certificate;  
1598 [~~vii~~] (vi) a temporary limited-term license certificate; and  
1599 [~~viii~~] (vii) an electronic license certificate created in Section 53-3-235.

1600 [~~(28)~~] (27) "Limited-term commercial driver license" or "limited-term CDL" means a  
1601 license:

- 1602 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.  
1603 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with  
1604 Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive  
1605 a class of commercial motor vehicle; and
- 1606 (b) that was obtained by providing evidence of lawful presence in the United States with  
1607 one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

1608 [~~(29)~~] (28) "Limited-term identification card" means an identification card issued under this  
1609 chapter to a person whose card was obtained by providing evidence of lawful presence  
1610 in the United States with one of the document requirements described in Subsection  
1611 53-3-804(2)(i)(ii).

1612 [~~(30)~~] (29) "Limited-term license certificate" means the evidence of the privilege granted  
1613 and issued under this chapter to drive a motor vehicle to a person whose privilege was  
1614 obtained providing evidence of lawful presence in the United States with one of the  
1615 document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

1616 [~~(31)~~] (30) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

1617 [~~(32)~~] (31) "Motor vehicle record" or "MVR" means a driving record under Subsection  
1618 53-3-109(7)(a).

1619 [~~(33)~~] (32) "Motorboat" means the same as that term is defined in Section 73-18-2.

1620 [~~(34)~~] (33) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or  
1621 saddle for the use of the rider and designed to travel with not more than three wheels in  
1622 contact with the ground.

1623 [~~(35)~~] (34) "Office of Recovery Services" means the Office of Recovery Services, created in  
1624 Section 26B-9-103.

1625 [~~(36)~~] (35) "Operate" means the same as that term is defined in Section 41-1a-102.

1626 [~~(37)~~] (36)(a) "Owner" means a person other than a lien holder having an interest in the  
1627 property or title to a vehicle.

- 1628 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a

1629 security interest in another person but excludes a lessee under a lease not intended as  
1630 security.

1631 [~~(38)~~] (37) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,  
1632 or other financial penalty imposed on an individual by a court or other government  
1633 entity.

1634 [~~(39)~~] (38)(a) "Private passenger carrier" means any motor vehicle for hire that is:

1635 (i) designed to transport 15 or fewer passengers, including the driver; and

1636 (ii) operated to transport an employee of the person that hires the motor vehicle.

1637 (b) "Private passenger carrier" does not include:

1638 (i) a taxicab;

1639 (ii) a motor vehicle driven by a transportation network driver as defined in Section  
1640 13-51-102;

1641 (iii) a motor vehicle driven for transportation network services as defined in Section  
1642 13-51-102; and

1643 (iv) a motor vehicle driven for a transportation network company as defined in  
1644 Section 13-51-102 and registered with the Division of Consumer Protection as  
1645 described in Section 13-51-104.

1646 [~~(40)~~] (39) "Regular identification card" means an identification card issued under this  
1647 chapter to a person whose card was obtained by providing evidence of lawful presence  
1648 in the United States with one of the document requirements described in Subsection  
1649 53-3-804(2)(i)(i).

1650 [~~(41)~~] (40) "Regular license certificate" means the evidence of the privilege issued under  
1651 this chapter to drive a motor vehicle whose privilege was obtained by providing  
1652 evidence of lawful presence in the United States with one of the document requirements  
1653 described in Subsection 53-3-205(8)(a)(ii)(A).

1654 [~~(42)~~] (41) "Renewal" means to validate a license certificate so that it expires at a later date.

1655 [~~(43)~~] (42) "Reportable violation" means an offense required to be reported to the division  
1656 as determined by the division and includes those offenses against which points are  
1657 assessed under Section 53-3-221.

1658 [~~(44)~~] (43)(a) "Resident" means an individual who:

1659 (i) has established a domicile in this state, as defined in Section 41-1a-202, or  
1660 regardless of domicile, remains in this state for an aggregate period of six months  
1661 or more during any calendar year;

1662 (ii) engages in a trade, profession, or occupation in this state, or who accepts

1663 employment in other than seasonal work in this state, and who does not commute  
1664 into the state;

1665 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver  
1666 license certificate or motor vehicle registration; or  
1667 (iv) declares himself a resident of this state to obtain privileges not ordinarily  
1668 extended to nonresidents, including going to school, or placing children in school  
1669 without paying nonresident tuition or fees.

1670 (b) "Resident" does not include any of the following:

1671 (i) a member of the military, temporarily stationed in this state;  
1672 (ii) an out-of-state student, as classified by an institution of higher education,  
1673 regardless of whether the student engages in any type of employment in this state;  
1674 (iii) a person domiciled in another state or country, who is temporarily assigned in  
1675 this state, assigned by or representing an employer, religious or private  
1676 organization, or a governmental entity; or  
1677 (iv) an immediate family member who resides with or a household member of a  
1678 person listed in Subsections [(44)(b)(i)] (43)(b)(i) through (iii).

1679 [(45)] (44) "Revocation" means the termination by action of the division of a licensee's  
1680 privilege to drive a motor vehicle.

1681 [(46)] (45)(a) "School bus" means a commercial motor vehicle used to transport  
1682 pre-primary, primary, or secondary school students to and from home and school, or  
1683 to and from school sponsored events.

1684 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
1685 59-12-102.

1686 [(47)] (46) "Suspension" means the temporary withdrawal by action of the division of a  
1687 licensee's privilege to drive a motor vehicle.

1688 [(48)] (47) "Taxicab" means any class D motor vehicle transporting any number of  
1689 passengers for hire and that is subject to state or federal regulation as a taxi.

1690 Section 8. Section **53-3-105** is amended to read:

1691 **53-3-105 (Effective 07/01/27). Fees for licenses, renewals, extensions,  
1692 reinstatements, rescheduling, and identification cards.**

1693 Except as provided in Subsection [(39)] (37), the following fees apply under this chapter:

1694 (1) An original class D license application under Section 53-3-205 is \$52.  
1695 (2) An original provisional license application for a class D license under Section 53-3-205  
1696 is \$39.

1697 (3) An original limited term license application under Section 53-3-205 is \$32.

1698 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.

1699 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.

1700 (6) A learner permit application under Section 53-3-210.5 is \$19.

1701 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)  
1702 applies.

1703 (8) A renewal of a provisional license application for a class D license under Section  
1704 53-3-214 is \$52.

1705 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.

1706 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.

1707 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.

1708 (12) A renewal of a class D license for an individual 65 years old and older under Section  
1709 53-3-214 is \$27.

1710 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)  
1711 applies.

1712 (14) An extension of a provisional license application for a class D license under Section  
1713 53-3-214 is \$42.

1714 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.

1715 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.

1716 (17) An extension of a class D license for an individual 65 years old and older under  
1717 Section 53-3-214 is \$22.

1718 (18) An original or renewal application for a commercial class A, B, or C license or an  
1719 original or renewal of a provisional commercial class A or B license under Part 4,  
1720 Uniform Commercial Driver License Act, is \$52.

1721 (19) A commercial class A, B, or C license skills test is \$78.

1722 (20) Each original CDL endorsement for passengers, hazardous material, double or triple  
1723 trailers, or tankers is \$9.

1724 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial  
1725 Driver License Act, is \$9.

1726 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License  
1727 Act, is \$9.

1728 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.

1729 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.

1730 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.

1731 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.

1732 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.

1733 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or

1734 combination of alcohol and any drug-related offense is \$45 in addition to the fee

1735 under Subsection (26)(a).

1736 (27)(a) An administrative fee for license reinstatement after an alcohol, drug, or

1737 combination of alcohol and any drug-related offense under Section 41-6a-520,

1738 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any

1739 drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.

1740 (b) This administrative fee is in addition to the fees under Subsection (26).

1741 (28)(a) An administrative fee for providing the driving record of a driver under Section

1742 53-3-104 or 53-3-420 is \$8.

1743 (b) The division may not charge for a report furnished under Section 53-3-104 to a

1744 municipal, county, state, or federal agency.

1745 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

1746 (30)(a) Except as provided under Subsections (30)(b) and (c), an identification card

1747 application under Section 53-3-808 is \$23.

1748 (b) An identification card application under Section 53-3-808 for a person with a

1749 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

1750 (c) A fee may not be charged for an identification card application if the individual

1751 applying:

1752 (i)(A) has not been issued a Utah driver license;

1753 (B) is indigent; and

1754 (C) is at least 18 years old;

1755 (ii) submits written verification that the individual is homeless, as defined in Section

1756 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child

1757 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

1758 (A) a homeless shelter, as defined in Section 35A-16-305;

1759 (B) a permanent housing, permanent, supportive, or transitional facility, as defined

1760 in Section 35A-5-302;

1761 (C) the Department of Workforce Services; or

1762 (D) a local educational agency liaison for homeless children and youth designated

1763 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or

1764 (iii) is under 26 years old and submits written verification that the individual:

1765 (A) is in the custody of the Division of Child and Family Services; or  
1766 (B) was in the custody of the Division of Child and Family Services but is no  
1767 longer in the custody of the Division of Child and Family Services due to the  
1768 individual's age.

1769 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a  
1770 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.  
1771 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written  
1772 verification that the individual is homeless, as defined in Section 26B-3-207, or a  
1773 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is  
1774 homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:  
1775 (i) a homeless shelter, as defined in Section 35A-16-305;  
1776 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in  
1777 Section 35A-5-302;  
1778 (iii) the Department of Workforce Services;  
1779 (iv) a homeless service provider as verified by the Department of Workforce Services  
1780 as described in Section 26B-8-113; or  
1781 (v) a local educational agency liaison for homeless children and youth designated  
1782 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

1783 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is  
1784 \$23.  
1785 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written  
1786 verification that the individual is homeless, as defined in Section 26B-3-207, or a  
1787 person who is homeless, as defined in Section 35A-5-302, from:  
1788 (i) a homeless shelter, as defined in Section 35A-16-305;  
1789 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in  
1790 Section 35A-5-302;  
1791 (iii) the Department of Workforce Services; or  
1792 (iv) a homeless service provider as verified by the Department of Workforce Services  
1793 as described in Section 26B-8-113.

1794 (33) In addition to any license application fees collected under this chapter, the division  
1795 shall impose on individuals submitting fingerprints in accordance with Section  
1796 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for  
1797 the services the Bureau of Criminal Identification provides under Section 53-3-205.5.  
1798 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.

1799 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

1800 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.

1801 ~~[37) An original driving privilege card application under Section 53-3-207 is \$32.]~~

1802 ~~[38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.]~~

1803 ~~[39) (37) A fee may not be charged for an original class D license application, original~~

1804 ~~provisional license application for a class D license, or a learner permit application if the~~

1805 ~~individual applying is:~~

1806 (a) under the 26 years old; and

1807 (b) submits written verification that the individual:

1808 (i) is in the custody of the Division of Child and Family Services; or

1809 (ii) was in the custody of the Division of Child and Family Services but is no longer

1810 in the custody of the Division of Child and Family Services due to the individual's

1811 age.

1812 ~~[40) (38) An administrative fee to add an interdicted person identifier to a license~~

1813 ~~certificate under Section 53-3-236 or identification card under Section 53-3-805 is \$7.~~

1814 Section 53-3-106 is amended to read:

1815 **53-3-106 (Effective 07/01/27). Disposition of revenues under this chapter --**

1816 **Restricted account created -- Uses as provided by appropriation -- Nonlapsing.**

1817 (1) There is created within the Transportation Fund a restricted account known as the

1818 "Department of Public Safety Restricted Account."

1819 (2) The account consists of money generated from the following revenue sources:

1820 (a) all money received under this chapter;

1821 (b) administrative fees received according to the fee schedule authorized under this

1822 chapter and Section 63J-1-504;

1823 (c) beginning on January 1, 2013, money received in accordance with Section

1824 41-1a-1201; and

1825 (d) any appropriations made to the account by the Legislature.

1826 (3)(a) The account shall earn interest.

1827 (b) All interest earned on account money shall be deposited into the account.

1828 (4) The expenses of the department in carrying out this chapter shall be provided for by

1829 legislative appropriation from this account.

1830 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(27) shall

1831 be appropriated by the Legislature from this account to the department to implement the

1832 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$100 shall

1833        be deposited into the State Laboratory Drug Testing Account created in Section  
1834        26B-1-304.

1835        (6) All money received under Subsection 41-6a-1406(7)(b)(ii) shall be appropriated by the  
1836        Legislature from this account to the department to implement the provisions of Section  
1837        53-1-117.

1838        (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000 annually  
1839        from the account to the state medical examiner appointed under Section 26B-8-202 for  
1840        use in carrying out duties related to highway crash deaths under Subsection 26B-8-205  
1841        (1).

1842        ~~[The division shall remit the fees collected under Subsection 53-3-105(31) to the Bureau  
1843        of Criminal Identification to cover the costs for the services the Bureau of Criminal  
1844        Identification provides under Section 53-3-205.5.]~~

1845        ~~[(9)]~~ (8)(a) Beginning on January 1, 2013, the Legislature shall appropriate all money  
1846        received in the account under Section 41-1a-1201 to the Utah Highway Patrol  
1847        Division for field operations.

1848        (b) The Legislature may appropriate additional money from the account to the Utah  
1849        Highway Patrol Division for law enforcement purposes.

1850        ~~[(10)]~~ (9) Appropriations to the department from the account are nonlapsing.

1851        ~~[(11)]~~ (10) The department shall report to the Department of Health and Human Services, on  
1852        or before December 31, the amount the department expects to collect under Subsection  
1853        53-3-105(27) in the next fiscal year.

1854        Section 10. Section **53-3-204** is amended to read:

1855        **53-3-204 (Effective 05/06/26). Persons who may not be licensed.**

1856        (1)(a) The division may not license a person who:

1857            (i) is younger than 16 years old;  
1858            (ii) if the person is 18 years old or younger, has not completed a course in driver  
1859            training approved by the commissioner;

1860            (iii) if the person is 19 years old or older has not completed:

1861              (A) a course in driver training approved by the commissioner; or  
1862              (B) the requirements under Subsection 53-3-210.5(6)(c);

1863            (iv) if the person is a minor as defined in Section 53-3-211, has not completed the  
1864            driving requirement under Section 53-3-211;

1865            (v) is not a resident of the state, unless the person:

1866              (A) is issued a temporary CDL under Subsection 53-3-407(2)(b) prior to July 1,

2015; or

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

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

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

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

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

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

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

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

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

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

(d) who is required by this chapter to take an examination unless the person successfully passes the examination;

(e) whose driving privileges have been denied or suspended under:

(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

(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.

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

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

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

Section 11. Section **53-3-205** is amended to read:

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

- (1) An application for an original license, provisional license, or endorsement shall be:
  - (a) made upon a form furnished by the division; and
  - (b) accompanied by a nonrefundable fee set under Section 53-3-105.
- (2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:
  - (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months after the date of the application;
  - (b) a learner permit if needed pending completion of the application and testing process; and
  - (c) an original class D license and license certificate after all tests are passed and requirements are completed.
- (3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:
  - (a) not more than three attempts to pass both the knowledge and skills tests within six months after the date of the application;
  - (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
  - (c) a motorcycle or taxicab endorsement when all tests are passed.
- (4) An application for a commercial class A, B, or C license entitles the applicant to:
  - (a) not more than two attempts to pass a knowledge test when accompanied by the fee

provided in Subsection 53-3-105(18);

- (b) not more than two attempts to pass a skills test when accompanied by a fee in Subsection 53-3-105(19) within six months after the date of application;
- (c) both a commercial driver instruction permit and a temporary license permit for the license class held before the applicant submits the application if needed after the knowledge test is passed; and
- (d) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.

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

- (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months after the date of the application; and
- (b) a CDL endorsement when all tests are passed.

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

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

(ii) The division shall:

- (A) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the out-of-state resident has obtained a valid CDIP; and
- (B) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.

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

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

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

(b) Except as provided under [Subsections (7)(f) and (g)] Subsection (7)(f), a renewal or

1969        an extension to a license expires on the birth date of the licensee in the eighth year  
1970        after the expiration date of the license certificate renewed or extended.

1971        (c) Except as provided under [Subseetions (7)(f) and (g)] Subsection (7)(f), a duplicate  
1972        license expires on the same date as the last license certificate issued.

1973        (d) An endorsement to a license expires on the same date as the license certificate  
1974        regardless of the date the endorsement was granted.

1975        (e)(i) A regular license certificate and an endorsement to the regular license  
1976        certificate held by an individual described in Subsection (7)(e)(ii), that expires  
1977        during the time period the individual is stationed outside of the state, is valid until  
1978        90 days after the individual's orders are terminated, the individual is discharged, or  
1979        the individual's assignment is changed or terminated, unless:  
1980                (A) the license is suspended, disqualified, denied, or has been cancelled or  
1981                revoked by the division; or  
1982                (B) the licensee updates the information or photograph on the license certificate.  
1983        (ii) The provisions in Subsection (7)(e)(i) apply to an individual:  
1984                (A) ordered to active duty and stationed outside of Utah in any of the armed forces  
1985                of the United States;  
1986                (B) who is an immediate family member or dependent of an individual described  
1987                in Subsection (7)(e)(ii)(A) and is residing outside of Utah;  
1988                (C) who is a civilian employee of the United States State Department or United  
1989                States Department of Defense and is stationed outside of the United States; or  
1990                (D) who is an immediate family member or dependent of an individual described  
1991                in Subsection (7)(e)(ii)(C) and is residing outside of the United States.  
1992        (f)(i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or  
1993        a renewal to a limited-term license certificate expires:  
1994                (A) on the expiration date of the period of time of the individual's authorized stay  
1995                in the United States or on the date provided under this Subsection (7),  
1996                whichever is sooner; or  
1997                (B) on the date of issuance in the first year following the year that the limited-term  
1998                license certificate was issued if there is no definite end to the individual's  
1999                period of authorized stay.  
2000        (ii) A limited-term license certificate or a renewal to a limited-term license certificate  
2001        issued to an approved asylee or a refugee expires on the birth date of the applicant  
2002        in the fifth year following the year that the limited-term license certificate was

2003 issued.

2004 [((g) A driving privilege card issued or renewed under Section 53-3-207 expires on the  
2005 birth date of the applicant in the first year following the year that the driving privilege  
2006 card was issued or renewed.)]

2007 (8)(a) In addition to the information required by Title 63G, Chapter 4, Administrative  
2008 Procedures Act, for requests for agency action, an applicant shall:

2009 (i) provide:

2010 (A) the applicant's full legal name;

2011 (B) the applicant's birth date;

2012 (C) the applicant's sex;

2013 (D)(I) documentary evidence of the applicant's valid social security number;

2014 (II) written proof that the applicant is ineligible to receive a social security  
2015 number; or

2016 [((III) the applicant's temporary identification number (ITIN) issued by the  
2017 Internal Revenue Service for an individual who:)]

2018 [(Aa) does not qualify for a social security number; and]

2019 [(Bb) is applying for a driving privilege card; or]

2020 [(IV)] (III) other documentary evidence approved by the division; and

2021 (E) the applicant's Utah residence address as documented by a form or forms  
2022 acceptable under rules made by the division under Section 53-3-104, unless the  
2023 application is for a temporary CDL issued under Subsection 53-3-407(2)(b); [  
2024 and]

2025 [(F) fingerprints, or a fingerprint confirmation form described in Subsection  
2026 53-3-205.5(1)(a)(ii), and a photograph in accordance with Section 53-3-205.5  
2027 if the applicant is applying for a driving privilege card;]

2028 (ii) provide evidence of the applicant's lawful presence in the United States by  
2029 providing documentary evidence:

2030 (A) that the applicant is:

2031 (I) a United States citizen;

2032 (II) a United States national; or

2033 (III) a legal permanent resident alien; or

2034 (B) of the applicant's:

2035 (I) unexpired immigrant or nonimmigrant visa status for admission into the  
2036 United States;

2037 (II) pending or approved application for asylum in the United States;

2038 (III) admission into the United States as a refugee;

2039 (IV) pending or approved application for temporary protected status in the

2040 United States;

2041 (V) approved deferred action status;

2042 (VI) pending application for adjustment of status to legal permanent resident or

2043 conditional resident; or

2044 (VII) conditional permanent resident alien status;

2045 (iii) provide a description of the applicant;

2046 (iv) state whether the applicant has previously been licensed to drive a motor vehicle

2047 and, if so, when and by what state or country;

2048 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,

2049 disqualified, or denied in the last 10 years, or whether the applicant has ever had a

2050 license application refused, and if so, the date of and reason for the suspension,

2051 cancellation, revocation, disqualification, denial, or refusal;

2052 (vi) state whether the applicant intends to make an anatomical gift under Title 26B,

2053 Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, in compliance with

2054 Subsection (15);

2055 (vii) state whether the applicant is required to register as a sex offender, kidnap

2056 offender, or child abuse offender, in accordance with Title 53, Chapter 29, Sex,

2057 Kidnap, and Child Abuse Offender Registry;

2058 (viii) state whether the applicant is a veteran of the United States military, provide

2059 verification that the applicant was granted an honorable or general discharge from

2060 the United States Armed Forces, and state whether the applicant does or does not

2061 authorize sharing the information with the Department of Veterans and Military

2062 Affairs;

2063 (ix) provide all other information the division requires; and

2064 (x) sign the application which signature may include an electronic signature as

2065 defined in Section 46-4-102.

2066 (b) Unless the applicant provides acceptable verification of homelessness as described in

2067 rules made by the division, an applicant shall have a Utah residence address, unless

2068 the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).

2069 (c) An applicant shall provide evidence of lawful presence in the United States in

2070 accordance with Subsection (8)(a)(ii)[, unless the application is for a driving

2071 privilege card].

2072 (d) The division shall maintain on the division's computerized records an applicant's:

2073 (i)(A) social security number;

2074 (B) temporary identification number (ITIN); or

2075 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies;

2076 and

2077 (ii) indication whether the applicant is required to register as a sex offender, kidnap

2078 offender, or child abuse offender in accordance with Title 53, Chapter 29, Sex,

2079 Kidnap, and Child Abuse Offender Registry.

2080 (9) The division shall require proof of an applicant's name, birth date, and birthplace by at

2081 least one of the following means:

2082 (a) current license certificate;

2083 (b) birth certificate;

2084 (c) Selective Service registration; or

2085 (d) other proof, including church records, family Bible notations, school records, or

2086 other evidence considered acceptable by the division.

2087 (10)(a) Except as provided in Subsection (10)(c), if an applicant receives a license in a

2088 higher class than what the applicant originally was issued:

2089 (i) the license application is treated as an original application; and

2090 (ii) license and endorsement fees is assessed under Section 53-3-105.

2091 (b) An applicant that receives a downgraded license in a lower license class during an

2092 existing license cycle that has not expired:

2093 (i) may be issued a duplicate license with a lower license classification for the

2094 remainder of the existing license cycle; and

2095 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a

2096 duplicate license is issued under Subsection (10)(b)(i).

2097 (c) An applicant who has received a downgraded license in a lower license class under

2098 Subsection (10)(b):

2099 (i) may, when eligible, receive a duplicate license in the highest class previously

2100 issued during a license cycle that has not expired for the remainder of the existing

2101 license cycle; and

2102 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a

2103 duplicate license is issued under Subsection (10)(c)(i).

2104 (11)(a) When an application is received from an applicant previously licensed in another

2105 state to drive a motor vehicle, the division shall request a copy of the driver's record  
2106 from the other state.

2107 (b) When received, the driver's record becomes part of the driver's record in this state  
2108 with the same effect as though entered originally on the driver's record in this state.

2109 (12) An application for reinstatement of a license after the suspension, cancellation,  
2110 disqualification, denial, or revocation of a previous license is accompanied by the  
2111 additional fee or fees specified in Section 53-3-105.

2112 (13) An individual who has an appointment with the division for testing and fails to keep  
2113 the appointment or to cancel at least 48 hours in advance of the appointment shall pay  
2114 the fee under Section 53-3-105.

2115 (14) An applicant who applies for an original license or renewal of a license agrees that the  
2116 individual's license is subject to a suspension or revocation authorized under this title or  
2117 Title 41, Motor Vehicles.

2118 (15)(a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi)  
2119 in accordance with division rule.

2120 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
2121 Management Act, the division may, upon request, release to an organ procurement  
2122 organization, as defined in Section 26B-8-301, the names and addresses of all  
2123 applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an  
2124 anatomical gift.

2125 (ii) An organ procurement organization may use released information only to:  
2126 (A) obtain additional information for an anatomical gift registry; and  
2127 (B) inform licensees of anatomical gift options, procedures, and benefits.

2128 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management  
2129 Act, the division may release to the Department of Veterans and Military Affairs the  
2130 names and addresses of all applicants who indicate their status as a veteran under  
2131 Subsection (8)(a)(viii).

2132 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management  
2133 Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse  
2134 Offender Registry office in the Department of Public Safety, the names and addresses of  
2135 all applicants who, under Subsection (8)(a)(vii), indicate they are required to register as  
2136 a sex offender, kidnap offender, or child abuse offender in accordance with Title 53,  
2137 Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

2138 (18) The division and its employees are not liable, as a result of false or inaccurate

2139 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

2140 (a) loss;  
2141 (b) detriment; or  
2142 (c) injury.

2143 (19) An applicant who knowingly fails to provide the information required under  
2144 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

2145 (20) A person may not hold both an unexpired Utah license certificate and an unexpired  
2146 identification card.

2147 (21)(a) An applicant who applies for an original motorcycle endorsement to a regular  
2148 license certificate is exempt from the requirement to pass the knowledge and skills  
2149 test to be eligible for the motorcycle endorsement if the applicant:

2150 (i) is a resident of the state of Utah;  
2151 (ii)(A) is ordered to active duty and stationed outside of Utah in any of the armed  
2152 forces of the United States; or  
2153 (B) is an immediate family member or dependent of an individual described in  
2154 Subsection (21)(a)(ii)(A) and is residing outside of Utah;  
2155 (iii) has a digitized driver license photo on file with the division;  
2156 (iv) provides proof to the division of the successful completion of a certified  
2157 Motorcycle Safety Foundation rider training course; and  
2158 (v) provides the necessary information and documentary evidence required under  
2159 Subsection (8).

2160 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2161 division shall make rules:

2162 (i) establishing the procedures for an individual to obtain a motorcycle endorsement  
2163 under this Subsection (21); and  
2164 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under  
2165 this Subsection (21).

2166 Section 12. Section **53-3-206** is amended to read:

2167 **53-3-206 (Effective 07/01/27). Examination of applicant's physical and mental  
2168 fitness to drive a motor vehicle.**

2169 (1) The division shall examine every applicant for a license, including a test of the  
2170 applicant's:

2171 (a) eyesight either:  
2172 (i) by the division; or

2173 (ii) by allowing the applicant to furnish to the division a statement from a physician  
2174 licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician  
2175 assistant licensed under Title 58, Chapter [70A] (70)(a), Utah Physician Assistant  
2176 Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry  
2177 Practice Act;

2178 (b) ability to read and understand highway signs regulating, warning, and directing  
2179 traffic;

2180 (c) ability to read and understand simple English used in highway traffic and directional  
2181 signs;

2182 (d) knowledge of the state traffic laws;

2183 (e) other physical and mental abilities the division finds necessary to determine the  
2184 applicant's fitness to drive a motor vehicle safely on the highways; and

2185 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as  
2186 determined by actual demonstration or other indicator.

2187 (2)(a) Subject to Subsection (2)(d), and notwithstanding the provisions of Subsection (1)  
2188 or any other provision of law, the division shall allow an individual to take an  
2189 examination of the individual's knowledge of the state traffic laws in the individual's  
2190 preferred language:

2191 (i) if the individual is a refugee, an approved asylee, or a covered humanitarian  
2192 parolee:  
2193 (A) the first time the individual applies for a limited-term license certificate; and  
2194 (B) the first time the individual applies for a renewal of a limited-term license  
2195 certificate; and

2196 (ii) for any other individual applying for a class D license certificate:  
2197 (A) the first time the individual applies for a class D license certificate; and  
2198 (B) the first time the individual applies for a renewal of a class D license  
2199 certificate.

2200 (b)(i) Upon the second renewal of a refugee's, an approved asylee's, or a covered  
2201 humanitarian parolee's limited-term license certificate for a refugee, an approved  
2202 asylee, or a covered humanitarian parolee that has taken the knowledge exam in  
2203 the individual's preferred language under Subsection (2)(a), the division shall  
2204 re-examine the individual's knowledge of the state traffic laws in English.

2205 (ii) Upon the second renewal of an individual's class D license certificate of an  
2206 individual who has taken the knowledge exam in the individual's preferred

language under Subsection (2)(a)(ii), the division shall re-examine the individual's knowledge of the state traffic laws in English.

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

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

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

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

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

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

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

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

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

(4) The division shall determine whether any facts exist that would bar granting a license

2241 under Section 53-3-204.

2242 (5) The division shall examine each applicant according to the class of license applied for.

2243 (6) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform  
2244 Commercial Driver License Act, of this chapter.

2245 (7) The division shall provide a report to the Transportation Interim Committee on or  
2246 before October 1, 2023, regarding the written knowledge examination in languages other  
2247 than English, including:

2248 (a) costs associated with the program;

2249 (b) the number of languages provided;

2250 (c) the likelihood of adding additional languages in the future; and

2251 (d) other information the division finds relevant.

2252 Section 13. Section **53-3-207** is amended to read:

2253 **53-3-207 (Effective 07/01/27). License certificates issued to drivers by class of  
2254 motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses  
2255 -- Minors' licenses, cards, and permits -- Violation.**

2256 (1) As used in this section:

2257 (a) "Authorized guardian" means:

2258 (i) the parent or legal guardian of a child who:

2259 (A) is under 18 years old; and

2260 (B) has an invisible condition; or

2261 (ii) the legal guardian or conservator of an adult who:

2262 (A) is 18 years old or older; and

2263 (B) has an invisible condition.

2264 (b) "Driving privilege" means the privilege granted under this chapter to drive a motor  
2265 vehicle.

2266 (c) "First responder" means:

2267 (i) a law enforcement officer, as defined in Section 53-13-103;

2268 (ii) an emergency medical technician, as defined in Section 53-2e-101;

2269 (iii) an advanced emergency medical technician, as defined in Section 53-2e-101;

2270 (iv) a paramedic, as defined in Section 53-2e-101;

2271 (v) a firefighter, as defined in Section 53H-11-306; or

2272 (vi) a dispatcher, as defined in Section 53-6-102.

2273 (d) "Governmental entity" means the state or a political subdivision of the state.

2274 (e) "Health care professional" means:

2275 (i) a licensed physician, physician assistant, nurse practitioner, or mental health  
2276 therapist; or  
2277 (ii) any other licensed health care professional the division designates by rule made in  
2278 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2279 (f) "Invisible condition" means a physical or mental condition that may interfere with an  
2280 individual's ability to communicate with a first responder, including:  
2281 (i) a communication impediment;  
2282 (ii) hearing loss;  
2283 (iii) blindness or a visual impairment;  
2284 (iv) autism spectrum disorder;  
2285 (v) a drug allergy;  
2286 (vi) Alzheimer's disease or dementia;  
2287 (vii) post-traumatic stress disorder;  
2288 (viii) traumatic brain injury;  
2289 (ix) schizophrenia;  
2290 (x) epilepsy;  
2291 (xi) a developmental disability;  
2292 (xii) Down syndrome;  
2293 (xiii) diabetes;  
2294 (xiv) a heart condition; or  
2295 (xv) any other condition approved by the department.

2296 (g) "Invisible condition identification symbol" means a symbol or alphanumeric code  
2297 that indicates that an individual is an individual with an invisible condition.

2298 (h) "Political subdivision" means any county, city, town, school district, public transit  
2299 district, community reinvestment agency, special improvement or taxing district,  
2300 special district, special service district, an entity created by an interlocal agreement  
2301 adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
2302 governmental subdivision or public corporation.

2303 (i) "State" means this state, and includes any office, department, agency, authority,  
2304 commission, board, institution, hospital, college, university, children's justice center,  
2305 or other instrumentality of the state.

2306 (2)(a) The division shall issue to every individual privileged to drive a motor vehicle, a  
2307 regular license certificate, or a limited-term license certificate[~~or a driving privilege~~  
2308 ~~card~~] indicating the type or class of motor vehicle the individual may drive.

2309 (b) An individual may not drive a class of motor vehicle unless granted the privilege in  
2310 that class.

2311 (3)(a) Every regular license certificate[,] or limited-term license certificate[~~, or driving~~  
2312 ~~privilege card~~] shall bear:

2313 (i) the distinguishing number assigned to the individual by the division;

2314 (ii) the name, birth date, and Utah residence address of the individual;

2315 (iii) a brief description of the individual for the purpose of identification;

2316 (iv) any restrictions imposed on the license under Section 53-3-208;

2317 (v) a photograph of the individual;

2318 (vi) a photograph or other facsimile of the individual's signature;

2319 (vii) an indication whether the individual intends to make an anatomical gift under  
2320 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, unless the  
2321 driving privilege is extended under Subsection 53-3-214(3); and

2322 (viii) except as provided in Subsection (3)(b), if the individual states that the  
2323 individual is a veteran of the United States military on the application for a driver  
2324 license in accordance with Section 53-3-205 and provides verification that the  
2325 individual was granted an honorable or general discharge from the United States  
2326 Armed Forces, an indication that the individual is a United States military veteran  
2327 for a regular license certificate or limited-term license certificate issued on or after  
2328 July 1, 2011.

2329 (b) A regular license certificate or limited-term license certificate issued to an individual  
2330 younger than 21 years old on a portrait-style format as required in Subsection (7)(b)  
2331 is not required to include an indication that the individual is a United States military  
2332 veteran under Subsection (3)(a)(viii).

2333 (c) A new license certificate issued by the division may not bear the individual's social  
2334 security number.

2335 (d)(i) The regular license certificate[,] or limited-term license certificate[~~, or driving~~  
2336 ~~privilege card~~] shall be of an impervious material, resistant to wear, damage, and  
2337 alteration.

2338 (ii) The size, form, and color of the regular license certificate[,] or limited-term  
2339 license certificate[~~, or driving privilege card~~] shall be as prescribed by the  
2340 commissioner.

2341 (iii) The commissioner may also prescribe the issuance of a special type of limited  
2342 regular license certificate[,] or limited-term license certificate[~~, or driving~~

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

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

- (i) requests the division to include the invisible condition identification symbol;
- (ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and
- (iii) signs a waiver of liability for the release of any medical information to:
  - (A) the department;
  - (B) any person who has access to the individual's medical information as recorded on the individual's driving record or the Utah Criminal Justice Information System under this chapter;
  - (C) any other person who may view or receive notice of the individual's medical information by seeing the individual's regular license certificate[,] or limited-term license certificate[,-~~or driving privilege card~~] or the individual's information in the Utah Criminal Justice Information System;
  - (D) a local law enforcement agency that receives a copy of the form described in this Subsection (4)(a) and enters the contents of the form into the local law enforcement agency's record management system or computer-aided dispatch system; and
  - (E) a dispatcher who accesses the information regarding the individual's invisible condition through the use of a local law enforcement agency's record management system or computer-aided dispatch system.

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

(c) The division may not:

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

2377 (ii) after including the invisible condition identification symbol on the individual's  
2378 previously issued regular license certificate[,] or limited-term license certificate, [  
2379 ~~or driving privilege card,~~] require the individual to provide subsequent written  
2380 verification described in Subsection (4)(a)(ii) to include the invisible condition  
2381 identification symbol on the individual's renewed or extended regular license  
2382 certificate[,] or limited-term license certificate[~~, or driving privilege card~~].

2383 (d) The division shall confirm with the Division of Professional Licensing that the health  
2384 care professional described in Subsection (4)(a)(ii) holds a current state license.

2385 (e) The inclusion of an invisible condition identification symbol on an individual's  
2386 license certificate[,] or limited-term license certificate[~~, or driving privilege card~~] in  
2387 accordance with Subsection (4)(a) does not confer any legal rights or privileges on  
2388 the individual, including parking privileges for individuals with disabilities under  
2389 Section 41-1a-414.

2390 (f) For each individual issued a regular license certificate[,] or limited-term license  
2391 certificate[~~, or driving privilege card~~] under this section that includes an invisible  
2392 condition identification symbol, the division shall include in the division's database a  
2393 brief description of the nature of the individual's invisible condition in the  
2394 individual's record and provide the brief description to the Utah Criminal Justice  
2395 Information System.

2396 (g) Except as provided in this section, the division may not release the information  
2397 described in Subsection (4)(f).

2398 (h) Within 30 days after the day on which the division receives an individual's or the  
2399 individual's authorized guardian's written request, the division shall:

2400 (i) remove from the individual's record in the division's database the invisible  
2401 condition identification symbol and the brief description described in Subsection  
2402 (4)(f); and

2403 (ii) provide the individual's updated record to the Utah Criminal Justice Information  
2404 System.

2405 (5) As provided in Section 63G-2-302, the information described in Subsection (4)(a) is a  
2406 private record for purposes of Title 63G, Chapter 2, Government Records Access and  
2407 Management Act.

2408 (6)(a)(i) The division, upon determining after an examination that an applicant is  
2409 mentally and physically qualified to be granted a driving privilege, may issue to  
2410 an applicant a receipt for the fee if the applicant is eligible for a regular license

2411 certificate or limited-term license certificate.

2412 (ii)(A) The division shall issue a temporary regular license certificate or  
2413 temporary limited-term license certificate allowing the individual to drive a  
2414 motor vehicle while the division is completing the division's investigation to  
2415 determine whether the individual is entitled to be granted a driving privilege.

2416 (B) A temporary regular license certificate or a temporary limited-term license  
2417 certificate issued under this Subsection (6) shall be recognized and have the  
2418 same rights and privileges as a regular license certificate or a limited-term  
2419 license certificate.

2420 (b) The temporary regular license certificate or temporary limited-term license  
2421 certificate shall be in the individual's immediate possession while driving a motor  
2422 vehicle, and the temporary regular license certificate or temporary limited-term  
2423 license certificate is invalid when the individual's regular license certificate or  
2424 limited-term license certificate has been issued or when, for good cause, the privilege  
2425 has been refused.

2426 (c) The division shall indicate on the temporary regular license certificate or temporary  
2427 limited-term license certificate a date after which the temporary regular license  
2428 certificate or temporary limited-term license certificate is not valid as a temporary  
2429 license.

2430 [(d)(i) Except as provided in Subsection (6)(d)(ii), the division may not issue a  
2431 temporary driving privilege card or other temporary permit to an applicant for a  
2432 driving privilege card.]

2433 [(ii) The division may issue a learner permit issued in accordance with Section  
2434 53-3-210.5 to an applicant for a driving privilege card.]

2435 (7)(a) The division shall distinguish learner permits, temporary permits, regular license  
2436 certificates, and limited-term license certificates[, ~~and driving privilege cards~~]  
2437 issued to any individual younger than 21 years old by use of plainly printed  
2438 information or the use of a color or other means not used for other regular license  
2439 certificates, or limited-term license certificates[, ~~or driving privilege cards~~].

2440 (b) The division shall distinguish a regular license certificate[,] or limited-term license  
2441 certificate[, ~~or driving privilege card~~] issued to an individual younger than 21 years  
2442 old by use of a portrait-style format not used for other regular license certificates[,] or  
2443 limited-term license certificates[, ~~or driving privilege cards~~] and by plainly printing  
2444 the date the regular license certificate[,] or limited-term license certificate[, ~~or driving~~

[privilege card] holder is 21 years old.

(8) The division shall distinguish a limited-term license certificate by clearly indicating on the document:

- (a) that the limited-term license certificate is temporary; and
- (b) the limited-term license certificate's expiration date.

[9)(a) The division shall only issue a driving privilege card to an individual whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).]

[b) The division shall distinguish a driving privilege card from a license certificate by:]

[(i) use of a format, color, font, or other means; and]

[**(ii)** clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".]

[10] (9) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.

[44] (10) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.

[(12)(a) A governmental entity may not accept a driving privilege card as proof of personal identification.]

[b) A driving privilege card may not be used as a document providing proof of an individual's age for any government required purpose.]

[13] (11) An individual who violates Subsection (2)(b) is guilty of an infraction.

[14] (12) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a[:]

[(a) driving privilege in the same way as a license or limited-term license issued under this chapter; and]

[b)] limited-term license certificate [or driving privilege card] in the same way as a regular license certificate issued under this chapter.

Section 14 Section 53-3-214 is amended to read:

**53-3-214 (Effective 07/01/27). Renewal -- Fees required -- Extension without  
novation.**

(1)(a) The holder of a valid license may renew the holder's license and any endorsement

2479 to the license by applying:

2480 (i) at any time within six months before the license expires; or  
2481 (ii) more than six months prior to the expiration date if the applicant furnishes proof  
2482 that the applicant will be absent from the state during the six-month period prior to  
2483 the expiration of the license.

2484 (b) The application for a renewal of, extension of, or any endorsement to a license shall  
2485 be accompanied by a fee under Section 53-3-105.

2486 (2)(a) Except as provided under Subsections (2)(b) and (3), upon application for renewal  
2487 of a regular license certificate, provisional license, and any endorsement to a regular  
2488 license certificate, the division shall reexamine each applicant as if for an original  
2489 license and endorsement to the license, if applicable.

2490 (b) Except as provided under Subsection (2)(c), upon application for renewal of a  
2491 limited-term license certificate, limited-term provisional license certificate, and any  
2492 endorsement to a limited-term license certificate, the division shall:

2493 (i) reexamine each applicant as if for an original limited-term license certificate and  
2494 endorsement to the limited-term license certificate, if applicable; and  
2495 (ii) verify through valid documentary evidence that the status by which the individual  
2496 originally qualified for the limited-term license certificate has been extended by  
2497 the United States Citizenship and Immigration Services or other authorized  
2498 agency of the United States Department of Homeland Security.

2499 (c) The division may waive any or all portions of the test designed to demonstrate the  
2500 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

2501 (3)(a)(i) Except as provided under Subsections (3)(b) and (c), the division may renew  
2502 or extend a regular license certificate or any endorsement to the regular license  
2503 certificate for eight years without examination for licensees whose driving records  
2504 for the eight years immediately preceding the determination of eligibility for  
2505 extension show:

2506 (A) no suspensions;  
2507 (B) no revocations;  
2508 (C) no conviction for reckless driving under Section 41-6a-528; and  
2509 (D) no more than six reportable violations in the preceding eight years.

2510 (ii) Except as provided under Subsections (3)(b) and (c), the division may renew or  
2511 extend a provisional license and any endorsement to a provisional license for eight  
2512 years without examination for licensees whose driving records for the five years

immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

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

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

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

(A) no suspensions;

(B) no revocations;

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

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

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

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

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

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

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

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

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

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

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

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

2547 53-3-207.]

2548 (f) The division shall allow extensions:

2549 (i) by mail, electronic means, or other means as determined by the division at the  
2550 appropriate extension fee rate under Section 53-3-105;

2551 (ii) only if the applicant qualifies under this section; and

2552 (iii) for only one extension.

2553 (g) The division may waive any or all portions of the test designed to demonstrate the  
2554 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

2555 (4) In accordance with this section, the division shall coordinate with the Department of  
2556 Corrections in providing an inmate with access to a driver license certificate as  
2557 described in Section 64-13-10.6.

2558 Section 15. Section **53-3-221** is amended to read:

2559 **53-3-221 (Effective 07/01/27). Offenses that may result in denial, suspension,  
2560 disqualification, or revocation of license -- Additional grounds for suspension -- Point  
2561 system for traffic violations -- Notice and hearing -- Reporting of traffic violation  
2562 procedures.**

2563 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act,  
2564 the division may deny, suspend, disqualify, or revoke the license or permit of any  
2565 individual without receiving a record of the individual's conviction of crime when the  
2566 division has been notified or has reason to believe the individual:

2567 (a) has committed any offenses for which mandatory suspension or revocation of a  
2568 license is required upon conviction under Section 53-3-220;

2569 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an  
2570 accident resulting in death or injury to any other individual, or serious property  
2571 damage;

2572 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or  
2573 physical disability rendering it unsafe for the individual to drive a motor vehicle or  
2574 mobility vehicle upon the highways;

2575 (d) has committed a serious violation of the motor vehicle laws of this state;

2576 (e) has knowingly committed a violation of Section 53-3-229; or

2577 (f) has been convicted of serious offenses against traffic laws governing the movement  
2578 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a  
2579 disregard for the safety of other individuals on the highways.

2580 (2)(a)(i) Except as provided in Subsection 53-3-218(3), and subject to Subsection

2581 (2)(a)(ii), the division may suspend a license of an individual under Subsection (1):

2582 (A) when the individual has failed to comply with the terms stated on a traffic

2583 citation issued in this state; or

2584 (B) if the division receives a notification from a court as described in Subsection

2585 41-6a-509(11)(d) or 41-6a-517(13)(b).

2586 (ii) This Subsection (2) does not apply to highway weight limit violations or

2587 violations of law governing the transportation of hazardous materials.

2588 (b)(i) This Subsection (2) may not be exercised unless notice of the pending

2589 suspension of the driving privilege has been sent at least 30 days previously to the

2590 individual at the address provided to the division.

2591 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not

2592 contain any evidence of a suspension that occurred as a result of failure to comply

2593 with the terms stated on a traffic citation.

2594 (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny,

2595 suspend, or disqualify an individual's driver license based solely on:

2596 (a) the individual's failure to appear;

2597 (b) the individual's failure to pay an outstanding penalty accounts receivable; or

2598 (c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a)

2599 or (b).

2600 (4)(a) The division shall make rules establishing a point system as provided for in this

2601 Subsection (4).

2602 (b)(i) The division shall assign a number of points to each type of moving traffic

2603 violation as a measure of its seriousness.

2604 (ii) The points shall be based upon actual relationships between types of traffic

2605 violations and motor vehicle traffic accidents.

2606 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points

2607 against an individual's driving record for a conviction of a traffic violation:

2608 (A) that occurred in another state; and

2609 (B) that was committed on or after July 1, 2011.

2610 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

2611 (A) a reckless or impaired driving violation or a speeding violation for exceeding

2612 the posted speed limit by 21 or more miles per hour; or

2613 (B) an offense committed in another state which, if committed within Utah, would

2614 result in the mandatory suspension or revocation of a license upon conviction

2615 under Section 53-3-220.

2616 (c) Every individual convicted of a traffic violation shall have assessed against the  
2617 individual's driving record the number of points that the division has assigned to the  
2618 type of violation of which the individual has been convicted, except that the number  
2619 of points assessed shall be decreased by 10% if on the abstract of the court record of  
2620 the conviction the court has graded the severity of violation as minimum, and shall be  
2621 increased by 10% if on the abstract the court has graded the severity of violation as  
2622 maximum.

2623 (d)(i) A separate procedure for assessing points for speeding offenses shall be  
2624 established by the division based upon the severity of the offense.

2625 (ii) The severity of a speeding violation shall be graded as:

2626 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;  
2627 (B) "intermediate" for exceeding the posted speed limit by 11 to 20 miles per  
2628 hour; and

2629 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

2630 (iii) Consideration shall be made for assessment of no points on minimum speeding  
2631 violations, except for speeding violations in school zones.

2632 (e)(i) Points assessed against an individual's driving record shall be deleted for  
2633 violations occurring before a time limit set by the division.

2634 (ii) The time limit may not exceed three years.

2635 (iii) The division may also delete points to reward violation-free driving for periods  
2636 of time set by the division.

2637 (f)(i) By publication in two newspapers having general circulation throughout the  
2638 state, the division shall give notice of the number of points it has assigned to each  
2639 type of traffic violation, the time limit set by the division for the deletion of  
2640 points, and the point level at which the division will generally take action to deny  
2641 or suspend under this section.

2642 (ii) The division may not change any of the information provided above regarding  
2643 points without first giving new notice in the same manner.

2644 (5)(a)(i) If the division finds that the license of an individual should be denied,  
2645 suspended, disqualified, or revoked under this section, the division shall  
2646 immediately notify the licensee in a manner specified by the division and afford  
2647 the individual an opportunity for a hearing in the county where the licensee  
2648 resides.

2649 (ii) The hearing shall be documented, and the division or its authorized agent may  
2650 administer oaths, may issue subpoenas for the attendance of witnesses and the  
2651 production of relevant books and papers, and may require a reexamination of the  
2652 licensee.

2653 (iii) One or more members of the division may conduct the hearing, and any decision  
2654 made after a hearing before any number of the members of the division is as valid  
2655 as if made after a hearing before the full membership of the division.

2656 (iv) After the hearing the division shall either rescind or affirm its decision to deny,  
2657 suspend, disqualify, or revoke the license.

2658 (b) The denial, suspension, disqualification, or revocation of the license remains in  
2659 effect pending qualifications determined by the division regarding an individual:  
2660 (i) whose license has been denied or suspended following reexamination;  
2661 (ii) who is incompetent to drive a motor vehicle;  
2662 (iii) who is afflicted with mental or physical infirmities that might make the  
2663 individual dangerous on the highways; or  
2664 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle  
2665 safely.

2666 (6)(a) Subject to Subsection (6)(d), the division shall suspend an individual's license  
2667 when the division receives notice from the Office of Recovery Services that the  
2668 Office of Recovery Services has ordered the suspension of the individual's license.

2669 (b) A suspension under Subsection (6)(a) shall remain in effect until the division  
2670 receives notice from the Office of Recovery Services that the Office of Recovery  
2671 Services has rescinded the order of suspension.

2672 (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized  
2673 by Section 53-3-104 may not contain any evidence of the suspension.

2674 (d)(i) If the division suspends an individual's license under this Subsection (6), the  
2675 division shall, upon application, issue a temporary limited driver license to the  
2676 individual if that individual needs a driver license for employment, education, or  
2677 child visitation.

2678 (ii) The temporary limited driver license described in this section:  
2679 (A) shall provide that the individual may operate a motor vehicle only for the  
2680 purpose of driving to or from the individual's place of employment, education,  
2681 or child visitation;  
2682 (B) shall prohibit the individual from driving a motor vehicle for any purpose

other than a purpose described in Subsection (6)(d)(ii)(A); and

(C) shall expire 90 days after the day on which the temporary limited driver license is issued.

(iii)(A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the individual who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.

(B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):

(I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

(II) an individual suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.

(iv) The division is not required to issue a limited driver license to an individual under this Subsection (6)(d) if there are other legal grounds for the suspension of the individual's driver license.

(v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.

(7)(a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that individual in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.

(b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the individual convicted is a resident.

(8)(a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.

(b) Any nonresident who drives a motor vehicle upon a highway when the individual's license has been suspended or revoked by the division is guilty of a class C misdemeanor.

2717 (9)(a) The division may not deny or suspend the license of any individual for a period of  
2718 more than one year except:

2719 (i) for failure to comply with the terms of a traffic citation under Subsection (2);  
2720 (ii) upon receipt of a second or subsequent order suspending juvenile driving  
2721 privileges under Section 53-3-219;  
2722 (iii) when extending a denial or suspension upon receiving certain records or reports  
2723 under Subsection 53-3-220(2);  
2724 (iv) for failure to give and maintain owner's or operator's security under Section  
2725 41-12a-411;  
2726 (v) when the division suspends the license under Subsection (6); or  
2727 (vi) when the division denies the license under Subsection (14).

2728 (b) The division may suspend the license of an individual under Subsection (2) until the  
2729 individual shows satisfactory evidence of compliance with the terms of the traffic  
2730 citation.

2731 (10)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
2732 Act, the division may suspend the license of any individual without receiving a  
2733 record of the individual's conviction for a crime when the division has reason to  
2734 believe that the individual's license was granted by the division through error or fraud  
2735 or that the necessary consent for the license has been withdrawn or is terminated.

2736 (b) The procedure upon suspension is the same as under Subsection (5), except that after  
2737 the hearing the division shall either rescind its order of suspension or cancel the  
2738 license.

2739 (11)(a) The division, having good cause to believe that a licensed driver is incompetent  
2740 or otherwise not qualified to be licensed, may upon notice in a manner specified by  
2741 the division of at least five days to the licensee require the licensee to submit to an  
2742 examination.

2743 (b) Upon the conclusion of the examination the division may suspend or revoke the  
2744 individual's license, permit the individual to retain the license, or grant a license  
2745 subject to a restriction imposed in accordance with Section 53-3-208.

2746 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
2747 suspension or revocation of the licensee's license.

2748 (12)(a) Except as provided in Subsection (12)(b), a report authorized by Section  
2749 53-3-104 may not contain any evidence of a conviction for speeding on an interstate  
2750 system in this state if the conviction was for a speed of 10 miles per hour or less,

2751 above the posted speed limit and did not result in an accident, unless authorized in a  
2752 manner specified by the division by the individual whose report is being requested.

2753 (b) The provisions of Subsection (12)(a) do not apply for:

2754 (i) a CDIP or CDL license holder; or

2755 (ii) a violation that occurred in a commercial motor vehicle.

2756 (13)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
2757 Act, the division may suspend the license of an individual if it has reason to believe  
2758 that the individual is the owner of a motor vehicle for which security is required  
2759 under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and  
2760 Operators Act, and has driven the motor vehicle or permitted it to be driven within  
2761 this state without the security being in effect.

2762 [~~(b) The division may suspend a driving privilege card holder's driving privilege~~

2763 ~~card if the division receives notification from the Motor Vehicle Division that:~~]

2764 [~~(i) the driving privilege card holder is the registered owner of a vehicle; and~~]

2765 [~~(ii) the driving privilege card holder's vehicle registration has been revoked under~~  
2766 ~~Subsection 41-1a-110(2)(a)(ii)(A)-~~]

2767 [~~(e)~~] (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's  
2768 security applies to individuals whose driving privileges are suspended under this  
2769 Subsection (13).

2770 (14) The division may deny an individual's license if the individual fails to comply with the  
2771 requirement to downgrade the individual's CDL to a class D license under Section  
2772 53-3-409 or 53-3-410.1.

2773 (15) The division may deny an individual's class A, B, C, or D license if the individual fails  
2774 to comply with the requirement to have a K restriction removed from the individual's  
2775 license.

2776 (16) Any suspension or revocation of an individual's license under this section also  
2777 disqualifies any license issued to that individual under Part 4, Uniform Commercial  
2778 Driver License Act.

2779 Section 16. Section **53-3-236** is amended to read:

2780 **53-3-236 (Effective 07/01/27). Interdicted person identifier -- License notation.**

2781 (1) If the division receives a notification from a court as provided in Section 41-6a-505,  
2782 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the  
2783 division:

2784 (a)(i) may accept an application from the individual for a duplicate license that

2785 includes an interdicted person identifier; and

2786 (ii) if the individual submits an application and qualifies for a license certificate, may

2787 provide a license certificate with the interdicted person identifier; or

2788 (b)(i) may accept an application from the individual for a renewal of a license or an

2789 original license with an interdicted person identifier; and

2790 (ii) if the individual submits an application and qualifies for a license certificate, may

2791 provide a license certificate with an interdicted person identifier.

2792 (2) The division may not provide to an individual a license certificate without the

2793 interdicted person identifier during the time period the court has designated the person

2794 as an interdicted person.

2795 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or

2796 renewal of a license that includes an interdicted person identifier.

2797 (b) An individual that voluntarily applies for a duplicate license, original license, or

2798 renewal of a license with an interdicted person identifier may not apply for another

2799 duplicate license, original license, or renewal of a license without the interdicted

2800 person identifier for at least 30 days after the application for the license certificate

2801 with the interdicted person identifier.

2802 (4) An individual may not hold a license certificate with an interdicted person identifier

2803 while also holding another license certificate.

2804 (5) The division may charge an administrative fee as described in Subsection [53-3-105(40)]

2805 53-3-105(38) to an individual to process and provide a license certificate with an

2806 interdicted person identifier.

2807 (6) An individual who is designated as an interdicted person by a court is subject to the

2808 duplicate license fee and other fees necessary to administer the license certificate with

2809 the interdicted person identifier.

2810 Section 17. Section **53-5a-602** is amended to read:

2811 **53-5a-602 (Effective 07/01/27). Criminal background check prior to purchase of**

2812 **a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement**

2813 **officers.**

2814 (1)[(a)] To establish personal identification and residence in this state for purposes of

2815 this part, a dealer shall require an individual receiving a firearm to present one photo

2816 identification on a form issued by a governmental agency of the state.

2817 [ (b) A dealer may not accept a driving privilege card issued under Section 53-3-207

2818 as proof of identification for the purpose of establishing personal identification and

2819 ~~residence in this state as required under this Subsection (1).]~~

2820 (2)(a) A criminal history background check is required for the sale of a firearm by a  
2821 licensed firearm dealer in the state.

2822 (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms  
2823 Licensee.

2824 (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a  
2825 criminal background check, on a form provided by the bureau.

2826 (b) The form shall contain the following information:

2827 (i) the dealer identification number;

2828 (ii) the name and address of the individual receiving the firearm;

2829 (iii) the date of birth, height, weight, eye color, and hair color of the individual  
2830 receiving the firearm; and

2831 (iv) the social security number or any other identification number of the individual  
2832 receiving the firearm.

2833 (4)(a) The dealer shall send the information required by Subsection (3) to the bureau  
2834 immediately upon its receipt by the dealer.

2835 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
2836 provided the bureau with the information in Subsection (3) and has received approval  
2837 from the bureau under Subsection (6).

2838 (5) The dealer shall make a request for criminal history background information by  
2839 telephone or other electronic means to the bureau and shall receive approval or denial of  
2840 the inquiry by telephone or other electronic means.

2841 (6) When the dealer calls for or requests a criminal history background check, the bureau  
2842 shall:

2843 (a) review the criminal history files, including juvenile court records, and the temporary  
2844 restricted file created under Section 53-5a-504, to determine if the individual is  
2845 prohibited from purchasing, possessing, or transferring a firearm by state or federal  
2846 law;

2847 (b) inform the dealer that:

2848 (i) the records indicate the individual is prohibited; or

2849 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

2850 (c) provide the dealer with a unique transaction number for that inquiry; and

2851 (d) provide a response to the requesting dealer during the call for a criminal background  
2852 check, or by return call, or other electronic means, without delay, except in case of

2853 electronic failure or other circumstances beyond the control of the bureau, the bureau  
2854 shall advise the dealer of the reason for the delay and give the dealer an estimate of  
2855 the length of the delay.

2856 (7)(a) The bureau may not maintain any records of the criminal history background  
2857 check longer than 20 days from the date of the dealer's request, if the bureau  
2858 determines that the individual receiving the firearm is not prohibited from  
2859 purchasing, possessing, or transferring the firearm under state or federal law.  
2860 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
2861 firearms number, the transaction number, and the transaction date for a period of 12  
2862 months.  
2863 (8)(a) If the criminal history background check discloses information indicating that the  
2864 individual attempting to purchase the firearm is prohibited from purchasing,  
2865 possessing, or transferring a firearm, the bureau shall:  
2866 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,  
2867 possessing, or transferring a firearm, notify the law enforcement agency in the  
2868 jurisdiction where the dealer is located; and  
2869 (ii) inform the law enforcement agency in the jurisdiction where the individual  
2870 resides.  
2871 (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a  
2872 firearm solely due to placement on the temporary restricted list under Section  
2873 53-5a-504.  
2874 (c) A law enforcement agency that receives information from the bureau under  
2875 Subsection (8)(a) shall provide a report before August 1 of each year to the bureau  
2876 that includes:  
2877 (i) based on the information the bureau provides to the law enforcement agency under  
2878 Subsection (8)(a), the number of cases that involve an individual who is  
2879 prohibited from purchasing, possessing, or transferring a firearm as a result of a  
2880 conviction for an offense involving domestic violence; and  
2881 (ii) of the cases described in Subsection (8)(c)(i):  
2882 (A) the number of cases the law enforcement agency investigates; and  
2883 (B) the number of cases the law enforcement agency investigates that result in a  
2884 criminal charge.  
2885 (d) The bureau shall:  
2886 (i) compile the information from the reports described in Subsection (8)(c);

2887 (ii) omit or redact any identifying information in the compilation; and  
2888 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim  
2889 Committee before November 1 of each year.

2890 (9) If an individual is denied the right to purchase a firearm under this section, the  
2891 individual may review the individual's criminal history information and may challenge  
2892 or amend the information as provided in Section 53-10-108.

2893 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
2894 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of  
2895 all records provided by the bureau under this part are in conformance with the  
2896 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107  
2897 Stat. 1536 (1993).

2898 (11)(a) A dealer shall collect a criminal history background check fee for the sale of a  
2899 firearm under this section.  
2900 (b) The fee described under Subsection (11)(a) remains in effect until changed by the  
2901 bureau through the process described in Section 63J-1-504.  
2902 (c)(i) The dealer shall forward at one time all fees collected for criminal history  
2903 background checks performed during the month to the bureau by the last day of  
2904 the month following the sale of a firearm.  
2905 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to  
2906 cover the cost of administering and conducting the criminal history background  
2907 check program.

2908 (12)(a) An individual with a concealed firearm permit issued under Section 53-5a-303 or  
2909 a provisional concealed firearm permit issued under Section 53-5a-304 is exempt  
2910 from the background check and corresponding fee required in this section for the  
2911 purchase of a firearm if:  
2912 (i) the individual presents the individual's concealed firearm permit to the dealer prior  
2913 to purchase of the firearm; and  
2914 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit  
2915 is valid.  
2916 (b) An individual with a temporary permit to carry a concealed firearm issued under  
2917 Section 53-5a-305 is not exempt from a background check and the corresponding fee  
2918 required in this section for the purchase of a firearm.

2919 (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the  
2920 background check fee required in this section for the purchase of a personal firearm

2921 to be carried while off-duty if the law enforcement officer verifies current  
2922 employment by providing a letter of good standing from the officer's commanding  
2923 officer and current law enforcement photo identification.

2924 (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a  
2925 personal firearm once in a 24-month period.

2926 (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm  
2927 shall:

2928 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to  
2929 a customer free of charge; and

2930 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under  
2931 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,  
2932 short barreled rifle, rifle, or another firearm that federal law does not require be  
2933 accompanied by a gun lock at the time of purchase.

2934 Section 18. Section **53-10-202** is amended to read:

2935 **53-10-202 (Effective 07/01/27). Criminal identification -- Duties of bureau.**

2936 The bureau shall:

2937 (1) procure and file information relating to identification and activities of persons who:

2938 (a) are fugitives from justice;

2939 (b) are wanted or missing;

2940 (c) have been arrested for or convicted of a crime under the laws of any state or nation;  
2941 and

2942 (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;

2943 (2) establish a statewide uniform crime reporting system that shall include:

2944 (a) statistics concerning general categories of criminal activities;

2945 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,  
2946 religion, ancestry, national origin, ethnicity, or other categories that the division finds  
2947 appropriate;

2948 (c) statistics concerning the use of force by law enforcement officers in accordance with  
2949 the Federal Bureau of Investigation's standards; and

2950 (d) other statistics required by the Federal Bureau of Investigation;

2951 (3) make a complete and systematic record and index of the information obtained under this  
2952 part;

2953 (4) subject to the restrictions in this part, establish policy concerning the use and  
2954 dissemination of data obtained under this part;

2955 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of  
2956 crime in Utah;

2957 (6) establish a statewide central register for the identification and location of missing  
2958 persons, which may include:  
2959 (a) identifying data including fingerprints of each missing person;  
2960 (b) identifying data of any missing person who is reported as missing to a law  
2961 enforcement agency having jurisdiction;  
2962 (c) dates and circumstances of any persons requesting or receiving information from the  
2963 register; and  
2964 (d) any other information, including blood types and photographs found necessary in  
2965 furthering the purposes of this part;

2966 (7) publish a quarterly directory of missing persons for distribution to persons or entities  
2967 likely to be instrumental in the identification and location of missing persons;

2968 (8) list the name of every missing person with the appropriate nationally maintained  
2969 missing persons lists;

2970 (9) establish and operate a 24-hour communication network for reports of missing persons  
2971 and reports of sightings of missing persons;

2972 (10) coordinate with the National Center for Missing and Exploited Children and other  
2973 agencies to facilitate the identification and location of missing persons and the  
2974 identification of unidentified persons and bodies;

2975 (11) receive information regarding missing persons as provided in Sections 26B-8-130 and  
2976 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section  
2977 41-1a-1401;

2978 (12) adopt systems of identification, including the fingerprint system, to be used by the  
2979 division to facilitate law enforcement;

2980 (13) assign a distinguishing number or mark of identification to any pistol or revolver, as  
2981 provided in Section 53-5a-105;

2982 (14) check certain criminal records databases for information regarding motor vehicle  
2983 salesperson applicants, maintain a separate file of fingerprints for motor vehicle  
2984 salespersons, and inform the Motor Vehicle Enforcement Division when new entries are  
2985 made for certain criminal offenses for motor vehicle salespersons in accordance with the  
2986 requirements of Section 41-3-205.5;

2987 ~~(15) check certain criminal records databases for information regarding driving privilege  
2988 card applicants or cardholders and maintain a separate file of fingerprints for driving~~

2989 privilege applicants and cardholders and inform the federal Immigration and Customs  
2990 Enforcement Agency of the United States Department of Homeland Security when new  
2991 entries are made in accordance with the requirements of Section 53-3-205.5;]

2992 [(16)] (15) review and approve or disapprove applications for license renewal that meet the  
2993 requirements for renewal; and

2994 [(17)] (16) forward to the board those applications for renewal under Subsection [(16)] (15)  
2995 that do not meet the requirements for renewal.

2996 Section 19. Section **58-37c-10** is amended to read:

2997 **58-37c-10 (Effective 07/01/27). Reporting and recordkeeping.**

2998 (1) Any person who engages in a regulated transaction, unless excepted under the  
2999 provisions of Subsections 58-37c-8(3) and (4), shall submit a report with respect to such  
3000 transaction and shall maintain records of inventories in accordance with rules adopted by  
3001 the division.

3002 (2) The division shall provide reporting forms upon which regulated transactions shall be  
3003 reported.

3004 (3) The division shall furnish copies of reports of transactions under this section to  
3005 appropriate law enforcement agencies.

3006 (4) The division shall adopt rules regulating:

3007 (a) records which shall be maintained and reports which shall be submitted by regulated  
3008 distributors and regulated purchasers with respect to listed controlled substance  
3009 precursors obtained, distributed, and held in inventory;

3010 (b) records which shall be maintained and reports which shall be submitted by regulated  
3011 distributors and regulated purchasers with respect to extraordinary or unusual  
3012 regulated transactions and a requirement that in such cases the report must be  
3013 received at least three working days prior to transfer of the listed controlled substance  
3014 precursor;

3015 (c) identification which must be presented by a purchaser of any listed controlled  
3016 substance precursor before the sale or transfer can be completed and recordkeeping  
3017 requirements related to such identification presented;

3018 (d) filing by each licensee the identification of all locations where any listed controlled  
3019 substance precursor is held in inventory or stored and amending such filing when any  
3020 change in location is made;

3021 (e) reports and actions which must be taken by a regulated distributor or regulated  
3022 purchaser in the event of any theft, loss, or shortage of a listed controlled substance

precursor;

- (f) reports and actions which must be taken by a regulated distributor relating to a regulated transaction with an out-of-state purchaser;
- (g) reports and actions which must be taken by a regulated purchaser relating to a regulated transaction with an out-of-state distributor; and
- (h) regulated transactions to the extent such regulation is reasonable and necessary to protect the public health, safety, or welfare.

[5) A person who engages in a regulated transaction may not accept a driving privilege card issued in accordance with Section 53.3-207 as proof of identification as required under Subsection (4)(e).]

Section 20. Section **63G-12-205** is amended to read:

**63G-12-205 (Effective 07/01/27). Eligibility criteria to obtain and maintain a guest worker permit.**

(1) To be eligible to obtain or maintain a guest worker permit, an undocumented individual shall:

(a)(i) be 18 years [of age] old or older; or

(ii) if younger than 18 years [of age] old, have the permission of a parent or guardian;

(b) live in Utah;

(c) have worked or lived in Utah before May 10, 2011;

(d) provide relevant contact information and regularly update the relevant contact information in a manner required by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act;

(e) provide documentation of a contract for hire under which the undocumented individual begins to provide services within at least 30 days of the day on which the undocumented individual obtains the permit;

(f)(i) agree to a criminal background check described in Subsection (3); and

(ii) not have been convicted of, pled guilty to, pled no contest to, pled guilty in a similar manner to, or resolved by diversion or its equivalent to a serious felony;

(g) provide evidence satisfactory to the department that the person would not be inadmissible for public health grounds under 8 U.S.C. Sec. 1182;

(h)(i) be covered by a basic health insurance plan; or

(ii) provide evidence satisfactory to the department that the undocumented individual has no medical debt that is past due and agrees to have no medical debt that is past due during the term of the permit; and

3057 (i) [hold a driving privilege card issued in accordance with Section 53-3-207; or]  
3058 [provide evidence satisfactory to the department that the undocumented  
3059 individual will not drive a motor vehicle in the state.]

3060 (2) The department may by rule made in accordance with Chapter 3, Utah Administrative  
3061 Rulemaking Act, provide for the documentation required to establish eligibility under  
3062 Subsection (1). When making a rule under this section, the department shall use federal  
3063 standards as a guideline to avoid unnecessary duplication and additional costs.

3064 (3)(a) The department shall require an undocumented individual applying for a guest  
3065 worker permit, or renewing a guest worker permit, to submit to a criminal  
3066 background check as a condition of receiving or renewing the guest worker permit.

3067 (b) An undocumented individual required to submit to a criminal background check  
3068 under Subsection (3)(a), shall:

3069 (i) submit a fingerprint card in a form acceptable to the department; and  
3070 (ii) consent to a fingerprint background check by:  
3071 (A) the Utah Bureau of Criminal Identification; and  
3072 (B) the Federal Bureau of Investigation, including the secure communities  
3073 program when possible.

3074 (c) For an undocumented individual who submits a fingerprint card and consents to a  
3075 fingerprint background check under Subsection (3)(b), the department may request:  
3076 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part  
3077 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification;  
3078 and  
3079 (ii) complete Federal Bureau of Investigation criminal background checks through  
3080 the national criminal history system and secure communities program.

3081 (d) Information obtained by the department from the review of criminal history records  
3082 received under this Subsection (3) shall be used by the department to determine  
3083 eligibility to obtain a permit.

3084 (e) The department shall:  
3085 (i) pay to the Federal Bureau of Investigation the costs incurred by the Federal  
3086 Bureau of Investigation in providing the department criminal background  
3087 information under this Subsection (3); and  
3088 (ii) in accordance with Section 63J-1-504, charge the undocumented individual  
3089 applying for the permit a fee equal to the aggregate of the costs incurred by the  
3090 department under this Subsection (3) and the amount paid under Subsection

3091 (3)(e)(i).

3092 Section 21. Section **63G-12-401** is amended to read:

3093 **63G-12-401 (Effective 07/01/27). Creation of identity documents -- Issuance to**  
3094 **citizens, nationals, and legal permanent resident aliens -- Exceptions.**

3095 (1) The following entities may create, publish, or otherwise manufacture an identification  
3096 document, identification card, or identification certificate and possess an engraved plate  
3097 or other device for the printing of an identification document:

3098 (a) a federal, state, or local government agency for employee identification, which is  
3099 designed to identify the bearer as an employee;

3100 (b) a federal, state, or local government agency for purposes authorized or required by  
3101 law or a legitimate purpose consistent with the duties of the agency, including such  
3102 documents as voter identification cards, identification cards, passports, birth  
3103 certificates, and Social Security cards; and

3104 (c) a public school or state or private educational institution to identify the bearer as an  
3105 administrator, faculty member, student, or employee.

3106 (2) The name of the issuing entity shall be clearly printed upon the face of the identification  
3107 document.

3108 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity  
3109 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall  
3110 issue the document, card, or certificate only to:

3111 (a) a United States citizen;

3112 (b) a national; or

3113 (c) a legal permanent resident alien.

3114 (4)(a) Subsection (3) does not apply to an applicant for an identification document who  
3115 presents, in person, valid documentary evidence of the applicant's:

3116 (i) unexpired immigrant or nonimmigrant visa status for admission into the United  
3117 States;

3118 (ii) pending or approved application for asylum in the United States;

3119 (iii) admission into the United States as a refugee;

3120 (iv) pending or approved application for temporary protected status in the United  
3121 States;

3122 (v) approved deferred action status; or

3123 (vi) pending application for adjustment of status to legal permanent resident or  
3124 conditional resident.

3125 (b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)  
3126 identification document to an applicant who satisfies the requirements of  
3127 Subsection (4)(a).

3128 (ii) Except as otherwise provided by federal law, the document is valid only:  
3129 (A) during the period of time of the individual's authorized stay in the United  
3130 States; or  
3131 (B) for one year from the date of issuance if there is no definite end to the  
3132 individual's period of authorized stay.

3133 (iii) An entity issuing an identification document under this Subsection (4) shall  
3134 clearly indicate on the document:  
3135 (A) that it is temporary; and  
3136 (B) its expiration date.

3137 (c) An individual may renew a document issued under this Subsection (4) only upon  
3138 presentation of valid documentary evidence that the status by which the individual  
3139 originally qualified for the identification document has been extended by the United  
3140 States Citizenship and Immigration Services or other authorized agency of the United  
3141 States Department of Homeland Security.

3142 (5)(a) Subsection (3) does not apply to an identification document issued under  
3143 Subsection (1)(c) that:

3144 (i) is only valid for use on the educational institution's campus or facility; and  
3145 (ii) includes a statement of the restricted use conspicuously printed upon the face of  
3146 the identification document.

3147 (b) Subsection (3) does not apply to a license certificate[~~, driving privilege card,~~] or  
3148 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver  
3149 License Act.

3150 (c) Subsection (3) does not apply to a public transit pass issued by a public transit  
3151 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:  
3152 (i) is only valid for use on the public transit system; and  
3153 (ii) includes a statement of the restricted use conspicuously printed on the face of the  
3154 public transit pass.

3155 (d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.

3156 (e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot  
3157 Sponsored Resident Immigrant Program Act.

3158 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or

3159 national origin.

3160 Section 22. Section **76-9-1117** is amended to read:

3161 **76-9-1117 (Effective 07/01/27). Unlawful transfer of proof of age.**

3162 (1)(a) As used in this section[: ],

3163 [~~(i)~~ "Proof" "proof of age" means:

3164 [~~(A)~~ (i) a valid identification card issued under Title 53, Chapter 3, Part 8,

3165 Identification Card Act;

3166 [~~(B)~~ (ii) a valid identification that:

3167 [~~(H)~~ (A) is substantially similar to an identification card issued under Title 53,  
Chapter 3, Part 8, Identification Card Act;

3168 [~~(H)~~ (B) is issued in accordance with the laws of a state other than Utah in which  
the identification is issued;

3169 [~~(H)~~ (C) includes date of birth; and

3170 [~~(H)~~ (D) has a picture affixed;

3171 [~~(E)~~ (iii) a valid driver license certificate that is issued under Title 53, Chapter 3,  
Uniform Driver License Act, or in accordance with the laws of the state in which  
the valid driver license is issued;

3172 [~~(D)~~ (iv) a valid United States military identification card that:

3173 [~~(H)~~ (A) includes date of birth; and

3174 [~~(H)~~ (B) has a picture affixed; or

3175 [~~(E)~~ (v) a valid passport.

3176 [~~(ii)~~ "Proof of age" does not include a driving privilege card issued in accordance  
with Section 53-3-207.]

3177 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

3178 (2) Except as provided in Subsection (4), an actor commits unlawful transfer of proof of  
3179 age if the actor intentionally or knowingly transfers the actor's proof of age to another  
3180 individual to aid that individual in:

3181 (a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product;  
3182 or

3183 (b) gaining admittance to any part of the premises of a retail tobacco specialty business.

3184 (3) A violation of Subsection (2) is a class B misdemeanor.

3185 (4) Subsection (2) does not apply to an individual who uses a false identification in  
3186 accordance with Subsection 77-39-101(4) at the request of a peace officer.

3187 **Section 23. Repeater.**

3193        This bill repeals:  
3194        Section **53-3-205.5, Fingerprint and photograph submission requirements for driving**  
3195        **privilege card applicants and cardholders -- Approved private fingerprint vendor requests --**  
3196        **Division approval of a vendor.**

3197        Section 24. **Effective Date.**

3198        (1) Except as provided in Subsection (2), this bill takes effect July 1, 2027.  
3199        (2) The actions affecting the following sections take effect on May 6, 2026:  
3200            (a) Section 41-6a-404 (Effective 05/06/26); and  
3201            (b) Section 53-3-204 (Effective 05/06/26).